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THE SUPREME SOVIET OF THE USSR

ORGANIZATION AND PROCEDURE

by

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A THESIS

SUBMITTED TO THE FACULTY OF GRADUATE STUDIES

IN PARTIAL FULFILMENT OF THE REQUIREMENTS FOR THE DEGREE

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The undersigned certify that they have read, and recommend to the Faculty of Graduate Studies for acceptance, a thesis entitled, "The Supreme Soviet of the U.S.S.R.: Organization and Procedure" submitted by Bohdan Harasymiw in partial fulfilment of the requirements for the degree of Master of Arts.

ABSTRACT

The Supreme Soviet of the USSR is commonly dismissed by Western observers as a "rubber stamp parliament" having no significance or interest as a governmental institution. That nearly all of the political elite in the Soviet Union (the CPSU Central Committee) are deputies to this assembly is one indicator that this generalization is not altogether true. The Supreme Soviet has some important functions and this study sets out to see what they might be by examining in detail its organization and procedure.

Following a sketch of the evolution of the soviets from those of 1905 to the Supreme Soviet of 1936, the first chapter gives a formal description of that body. In the succeeding chapters, evidence from Soviet sources concerning the Supreme Soviet's practical operation is assembled and analyzed. It reveals that established rules are sometimes circumvented and that customary practices have been adopted without acknowledgment mainly from Continental parliaments. This epitomizes the ambiguous Soviet attitude to parliaments: they denounce them and at the same time imitate them.

One chapter is devoted to an examination of the composition of the Supreme Soviet in terms of such categories as nationalities, Party members, women, age groups, levels of

education, and occupations. Soviet authorities take pains to ensure the representation of various minority groups who are generally underrepresented in Western assemblies. In spite of this, the impression emerges unmistakably that the Supreme Soviet does not represent Soviet society nearly as well as it does the political elite.

The keynote of the Soviet system of "democratic" government is public participation rather than public decision-making. At the apex of the governmental pyramid stands the Supreme Soviet and it offers the highest level of participation for elector and elected in the Soviet Union. This participation is important because it is part of the coercive machinery by which paper directives are transformed into fulfilled quotas.

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INTRODUCTION

An outstanding feature of the formal governmental structure of the USSR is that separation of powers is not recognized. This is thought to be a progressive form of government started in the Paris Commune of 1871 and revived in the revolutionary workingmen's councils (soviets) of 1905 and 1917. The present-day system of Soviets is considered to be carrying on that tradition in which the popular representatives deliberate, legislate, administer and (in a limited sense) adjudicate.

A distinction is, nevertheless, made in the USSR between the three types of governmental bodies: those of state power, state administration and the judiciary. The so-called "organs of state power" are the Soviets or legislative assemblies. These are organized in a similar pattern at the local (oblast', city and rural) level as well as that of republics. The system culminates in the highest central body, the Supreme Soviet of the USSR.

Because of being elected, the Soviets occupy a superior position among governmental bodies in the USSR. They alone have ostensibly the power of legislation and it is they who

appoint and supervise their corresponding administrative bodies. At the all-union and republican levels the Councils of Ministers are the "organs of state administration;" at the local level this role is held by the executive committees (ispolkomy) of the Soviets of Toilers' Deputies.

Until recently, Soviet scholarly literature on the "supreme organ of state power" consisted of descriptions that were largely variations on the rigid formulas by which that body was characterized in the Constitution and a few other statutes. There was considerable attention paid to reiterating the "rights" and "powers" of the Supreme Soviet but none to examining the occasions for their exercise. It seemed to be sufficient for the study of governmental institutions to explain what was supposed to be the case and not to look into what really was happening.

This outlook has changed in the past few years. Consonant with a general awakening of interest among Soviet scholars in the political processes within their own country and with an atmosphere that stresses the infusion of a greater degree of legality in the governmental system, there has appeared a series of commentaries on the practical activity of the Supreme Soviet as well as recommendations for its improvement. By piecing together the relevant fragments found

scattered in these writings one can assemble a mosaic which reveals an institution that ought not to be prematurely dismissed as insignificant in the Soviet governmental process. For it is these fragments--the customary and improvised practices elaborated to facilitate the Supreme Soviet's ostensibly parliamentary work--which redeem that body from total insignificance. It is on their account that the USSR Supreme Soviet merits examination: their existence (1) implicitly raises interesting questions concerning Soviet theory of government, (2) encourages comparison of the Supreme Soviet with other representative assemblies, and (3) brings into focus logical and other anomalies which help in formulating a reasonably accurate assessment of the Supreme Soviet.

The present study, therefore, begins with a formal description of the Supreme Soviet and its predecessors. It proceeds from there to cover, so to speak, this skeletal structure with a plaster made up of those fragments of practical experience provided largely by the Soviets themselves. This process is carried forward as though answering in the central chapters the following questions: Firstly (in Chapter II), how is the Supreme Soviet elected and how is it organized internally when it meets? Secondly (Chapter III), who is elected to the Supreme Soviet" Thirdly (Chapters IV and

V), how does this body do its work and what does it do?

Finally (Chapter VI), what do its standing and temporary commissions do? This sequence, it is hoped, will provide a description developed by reasonably logical stages moving from the peripheral to the intrinsic and more complex aspects of this body.

CHAPTER I

PREDECESSORS AND FORMAL POWERS OF THE SUPREME SOVIET

In the beginning were the soviets. Or so one is led to believe from accounts originating in the USSR. The soviets (the Russian word sovet means "council") were originally assemblies of workers' deputies that sprang up in a few of the larger Russian industrial cities during the troubles of 1905. They took as their task the coordination of strike activities. The St. Petersburg Soviet, organized in October, 1905, began with thirty or forty deputies from each city district, one deputy supposedly representing five hundred factory workers. It grew to a maximum membership of around 560.¹ The Soviets contained representatives of both Social Revolutionaries and Social Democrats, with the latter party's Bolshevik wing generally in a minority. At the time Lenin saw the soviets as useful but apparently read no special significance into their appearance.² Trotsky, who is remembered as a leader of the St. Petersburg Soviet, referred to that body some time later as having been the revolution's "general staff." As one American scholar notes, however, "it might be

more accurate to describe it as the device by which the revolutionary intellectuals rallied the urban workers to the support of the program they advocated."³

The soviets did not reappear until 1917, but their previous record gave them a certain strength and prestige. Almost immediately after the Romanov dynasty came to an end, a Soviet of Workers' and Soldiers' Deputies was formed in Petrograd (formerly St. Petersburg) with one deputy representing two thousand workers or soldiers. Similar bodies were created in other cities; separate peasants' soviets were formed in the countryside.⁴ As soon as Lenin arrived in Russia he proclaimed that "the Soviets of Workers' Deputies are the only possible form of revolutionary government. . . ."⁵ He declared the aim of the Revolution to be "not a parliamentary republic--to return to a parliamentary republic from the Soviets of Workers' Deputies would be a retrograde step--but a republic of Soviets of Workers', Agricultural Labourers' and Peasants' Deputies throughout the country, from top to bottom."⁶ Defending his so-called "April Theses," he drew a Marxian umbilical cord between the soviets and the Paris Commune of 1871 by reasoning that the authority of both was derived in the same and proper way.⁷ Marx had applauded the Paris Commune as "a chance-discovered form for the dictatorship

of the proletariat."⁸ It was chiefly characterized, at least according to its constitution, by: having local representative assemblies popularly elected; having its deputies subject to recall; not having any separation of powers; providing its officials with wages no greater than those of workmen; and having national assemblies selected from local bodies.⁹ Lenin saw these same features in the soviets. He equated soviet rule with the dictatorship of the proletariat.¹⁰

The First All-Russian Congress of Soviets met in June, 1917. It comprised 882 voting delegates, among them 285 Social Revolutionaries, 248 Mensheviks and 105 Bolsheviks.¹¹ This assembly elected a national Central Executive Committee which was to manage affairs until the following Congress.¹² Actually, this inner body took over the exercising of all functions from the Congress. Once the Soviet regime had been established with the Congress of Soviets being retained as the representative assembly for Russia, this pattern of activity was continued.¹³

The Second All-Russian Congress of Soviets, consisting of delegates chosen before the Revolution, was convened on the day of the Bolshevik coup. Here the Bolsheviks, assisted by the Left Social Revolutionaries, took control and proclaimed the Congress to have assumed power in the land. The truth was

that the Bolsheviks had seized and now possessed the state power in place of the Soviet. It was in protest against this that the Mensheviks and remaining Social Revolutionaries walked out of the Congress.

TABLE 1

ALL-RUSSIAN CONGRESSES OF SOVIETS: 1917-1922^a

Congress	Dates	Number of Deputies	Party Affiliation		
			Communists	Party-less	Others
II	November 7-8, 1917	673 ^b	390 ^c	-	283
III	January 23-31, 1918	1046	Over 60%	-	-
IV	March 15-16, 1918	1166	814	18	334
V	July 4-10, 1918	1132	745	10	377
VI	November 6-9, 1918	1296	1260	4	32
VII	December 5-9, 1919	[1366]	1278	61	27
VIII	December 22-29, 1920	2537	2284	165	41
IX	December 23-28, 1921	1991	1522	103	
X	December 23-27, 1922	2215	2093	118	5

^aSource: Lepeshkin et al., Kurs Sovetskogo gosudarstvennogo prava (Moscow, 1962), II, 370. The Fourth and Sixth Congresses were Extraordinary.

^bBefore the walk-out of Mensheviks and SR's.

^cBolsheviks.

Under the Constitution of the RSFSR of 1918, the following were to be the central governmental bodies: (1) the All-Russian Congress of Soviets; (2) the All-Russian Central Executive Committee or CEC (VTsIK); (3) the Presidium of the CEC; and (4) the Council of People's Commissars

(Sovnarkom).¹⁴ Representation in the All-Russian Congresses of Soviets was indirect: members were chosen from among deputies to guberniia and city congresses at the rate of one per 25,000 urban electors or 125,000 of the rural population.¹⁵ Four congresses took place in 1918 and one in each of the four succeeding years. (See Table 1.) Between Congresses, the All-Russian CEC (VTsIK) acted as the country's highest legislative body. Elected at the Congress from among its delegates, the VTsIK in turn created its own inner body, the Presidium. This consisted of from 15 to 17 members and 12 candidate-members. The Presidium directed VTsIK sessions, drafted laws, issued decrees, guided local Soviets and their ispolkomy (executive committees) and had jurisdiction over the appointment of People's Commissars.¹⁶ The Council of People's Commissars was appointed in the first instance by the VTsIK, being responsible both to it and to the Congress of Soviets.¹⁷

When the Union of Soviet Socialist Republics was formed, a similar structure of governmental institutions was retained but with slightly different names. The paramount body was termed the All-Union Congress of Soviets and was constituted on the same basis as its predecessor. It contained over 2,000 delegates, divided between those with full voting rights

(comprising all but one-quarter of the total), and those who attended only in an advisory capacity. Under the 1924 Constitution it was to meet annually. After failing to convene in 1926, an amendment was incorporated which provided for biennial meetings. Extraordinary Congresses—of which the Eighth and last was the only one—could be convened by the CEC of the USSR and on the request of at least two union republics or of two-thirds of the deputies in one of the CEC chambers.¹⁸ The All-Union Congresses of Soviets had the distinction of approving two USSR Constitutions: that of 1924 and of 1936.

An innovation of the 1924 Constitution was the establishment of a bicameral USSR Central Executive Committee (TsIK SSSR), as the executive body of the All-Union Congress. One of its chambers, the Council of the Union (Soiuznyi Sovet), comprised 414 deputies and was chosen by the Congress with union republics represented proportionately to their population. The other, called the Council of Nationalities (Sovet Natsional'nostei), was composed of delegates chosen at union- and autonomous- republican Congresses of Soviets (five representatives each) and at those of autonomous oblasti (one representative each). It was meant to ensure a more direct kind of participation by the republics in the All-Union government and to reflect the USSR's multi-national natures.¹⁹

TABLE 2

ALL-UNION CONGRESSES OF SOVIETS: 1922-1936

Congress	Dates	Delegates		CP members (percent)	Social position (percent)		
		Voting	Non-Vot- ing		workers	peas- ants	intelli- gentsia
I	December 30, 1922	1673	541	94.1	44.4	26.8	28.8
II	January 26- February 2, 1924	1540	584	90.0	49.0	26.0	25.0
III	May 13-20, 1925	1580	696	77.0	30.0	30.2	29.8
IV	April 18-26, 1927	1601	747	72.5	49.2	31.4	19.4
V	May 20-28, 1929	1675	885	71.3	56.4	24.8	18.8
VI	March 8-17, 1931	1570	833	73.0	54.4	25.6	20.0
VII	January 28- February 6, 1935	2022	540	74.1	46.5	23.4	30.1
VIII	November 25- December 5, 1936	2016	-	72.0	42.0	40.0	18.0

Source: Lepeshkin, et al., II, 372.

A section of Stalin's Commissariat of Nationality Affairs (Narkomnats) served as the prototype of the Council of Nationalities. Beginning in 1920, national groups were instructed to send elected representatives to the Narkomnats. The following year the chairmen of these autonomous republican and oblast delegates were formed into a Council of Nationalities.²⁰ The Narkomnats was transformed thereby into "a miniature federal government of the RSFSR."²¹ Upon the Commissariat's dissolution in 1924, "its Council of Nationalities became, through the addition of representatives of the [union] republics, the second chamber of the legislative branch of the

government of the USSR."²²

Together the two chambers contained about one-third as many deputies as the All-Union Congress. No deputy could, by custom, be simultaneously a member of both houses, although the Constitution made no specific provision against this.²³ A seven-man Presidium was elected to provide leadership in each chamber. Some characteristics of the CEC of the USSR are summarized in Tables 3 and 4.

TABLE 3

USSR CENTRAL EXECUTIVE COMMITTEE: 1922-1936

Convo- cation	Dates	Council of the Union		Council of Nation- alities	
		Members	Candidates	Members	Candidates
1	December, 1922- January, 1924	371	138	-	-
2	February, 1924- May, 1925	414	220	100	-
3	May, 1925- April, 1927	450	199	131	51
4	April, 1927- May, 1929	450	199	135	63
5	May, 1929- March, 1931	451	239	136	63
6	March, 1931- January, 1935	473		138	
7	February, 1935- November, 1936	607		150	

Source: Lepeshkin, et al., II, 376.

TABLE 4

LEGISLATIVE ACTIVITY OF THE USSR CENTRAL EXECUTIVE COMMITTEE:
1922-1936

Convocation	Duration of Convocation (months)	Organizational	Number of Questions Examined				Total
			Legislative	Financial	Governmental Reports	Other	
1	13	5	19	2	-	4	30
2	15	5	9	6	2	6	28
3	23	5	2	5	2	6	20
4	25	4	2	10	2	7	25
5	22	4	1	6	-	5	16
6	46	4	-	8	1	3	16
7	21	5	-	4	1	2	12
Totals		32	33	41	8	33	147

Source: Lepeshkin, et al., II, 377.

A combined Presidium of the CEC acted as "the highest legislative, executive and administrative organ of state power in the U.S.S.R. . . ." ²⁴ It was composed of the Presidia of the two chambers plus seven jointly-elected members, making a total of twenty-one. This Presidium had as many chairmen as there were union republics and each of them took turns presiding over meetings. ²⁵

The CEC of the USSR also elected, as had its predecessor, the Council of People's Commissars. Between sessions of the Central Executive Committee the Sovnarkom was responsible to the CEC Presidium. ²⁶ All three of these bodies plus the All-Union Congress of Soviets had legislative power. ²⁷ This state of affairs was changed, formally at least, by the 1936 Constitution, according to which not four bodies but only one, the USSR Supreme Soviet, wields the highest lawmaking authority in the land.

The 1936 Constitution, under which the USSR Supreme Soviet came into being, introduced several electoral reforms. It provided "direct, universal and equal suffrage by secret ballot." Deputies to the Supreme Soviet were to be elected directly by the population, as had not been done with the Congresses of Soviets. The vote was given to everyone over the age of eighteen. Peasantry and urban dwellers were to have an equal voice; only those certified insane were to be

deprived of the vote. Juviler suggests that the benefits expected from these reforms may have been the following:

(1) Formally equalizing the peasants' vote with the workers' would increase their support for the regime, or at least give them a sense of participation in government. (2) The secret ballot would test the effectiveness of local officials and the public's attitude. (3) Favourable reactions could be anticipated from abroad.²⁸

Stalin's Constitution established the Supreme Soviet as the highest representative and legislative body in the USSR. There was only one inner body, a Presidium of the USSR Supreme Soviet. Also subordinate to and appointed by the Supreme Soviet was the Government, or Council of People's Commissars.

It was decided to continue to have a bicameral assembly. One chamber, so the reasoning went, ought to reflect the general interests of the Union; the other must reflect the special interests of the USSR's many nationalities. Speaking on the draft Constitution, Stalin at one point asked rhetorically, "Do we need a special supreme body to reflect precisely these specific interests?" He answered his own query:

Unquestionably, we do. There can be no doubt that without such a body it would be impossible to administer a multinational state like the U.S.S.R. Such a body is the second Chamber, the Soviet of Nationalities of the U.S.S.R.²⁹

Noting that second chambers are usually more of a hindrance than a help in the legislative process, but ignoring the obvious case against elected second chambers, Stalin recommended that any "defects will be obviated if equality is established between the chambers and if the second chamber is constituted as democratically as the first."³⁰

A considerable amount of stress is consequently laid in the Constitution on this equality between the Soviet of the Union and Soviet of Nationalities, which together comprise the USSR Supreme Soviet.³¹ Both have equal rights, including the same rights as regards initiating legislation. Deputies to the Soviet of the Union are elected on the basis of one for every 300,000 inhabitants. Deputies to the other chamber are elected on the basis of territorial (and at the same time national) subdivisions: twenty-five from each of the fifteen union republics; eleven from each of the twenty autonomous republics; five from each of the eight autonomous oblasti (provinces); and one each from the ten national districts.³² To each chamber there are elected in addition seven representatives of the military electoral districts.³³ The Supreme Soviet is elected for a term of four years. Regular sessions of the Supreme Soviet are called twice a year by that body's Presidium, which may also convene it for extraordinary sessions at its own discretion. An extraordinary session may be

called as well on the request of a union republic. The two chambers may sit separately or jointly, but in any case they begin and end a session simultaneously. Each of them has an elected chairman and four deputy chairmen. The chairmen alternate in presiding over joint sittings.

Appearing over the signatures of the Presidium Chairman and Secretary, all laws passed by the Supreme Soviet are published in the languages of the union republics. A law is considered to have been adopted if it secures the approval of a simple majority when voted on in each house. In case of a deadlock between the two equal houses a commission, consisting of a similar number of representatives from each of them, endeavours to reach an agreement. If it fails or if its proposals are not satisfactory to one chamber, then the house itself considers the matter. If unable to reach a solution, the Supreme Soviet must then be dissolved by its presidium and new elections called.

Both chambers elect their own Mandates (or Credentials) Commissions whose task is to check the credentials of deputies that they have been properly elected. Their reports are submitted to the two houses and approval means recognition of the deputies' right to sit in the assembly. They may appoint investigative commissions on any matter. At a joint sitting the Supreme Soviet is obliged to elect its Presidium

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and to appoint the Council of Ministers. The Presidium consists of a Chairman, fifteen Vice-Chairmen (who are in fact the Chairmen of the union-republican Supreme Soviet Presidia), a Secretary and sixteen Members. The Supreme Soviet also has the responsibility of electing for a five-year term the USSR Supreme Court and appointing for a term of seven years the USSR Procurator-General.

The Constitution makes provision for one specific kind of deputy's privilege. He may not be arrested or prosecuted without the Supreme Soviet's permission. Between sessions of the Supreme Soviet such permission would have to come from the Presidium.

Although subordinate to the Supreme Soviet, the Presidium is actually its manager. It convenes and, in case of unresolvable conflict, dissolves the Supreme Soviet. In the period between the last session of one convocation and the first session of the next, it retains its powers until the new Presidium is elected. When the Supreme Soviet's term expires or it is dissolved, the Presidium is obliged to order elections inside of two months. A newly-elected Supreme Soviet is convened by the Presidium no later than three months following the elections.

In addition to calling and dissolving the Supreme Soviet, the Presidium exercises a wide range of other powers.

It issues "decrees" whose scope is undefined in law and extremely broad in practice. "Decrees" are spoken of as being distinct from and inferior to "USSR laws" which only the Supreme Soviet may pass. The Supreme Soviet's output of "laws" is greatly overshadowed by its Presidium's "decrees". Interpretation of "USSR laws" is within the Presidium's province rather than, as in some other countries, within that of the Supreme Court. In a similar vein, the Presidium may annul decisions of USSR and republican Councils of Ministers which "do not conform to law." It may, on its own initiative or on a union-republican request, conduct nation-wide referenda. These may presumably concern any question. An extensive portion of the Presidium's activity is taken up with the institution and award of decorations and orders, over which it has complete jurisdiction. It also possesses the right of pardon. In the military sphere it not only regulates appointments in the high command of the Soviet Armed Forces, but can also proclaim martial law in any or all parts of the USSR, and even a condition of "general or partial mobilization". Between sessions of the Supreme Soviet, the Presidium may, if the USSR is attacked or must fulfill an international obligation, declare a state of war. In the diplomatic field it similarly appoints Soviet representatives, receives officially, for example, through any one of its

members, letters of credence from foreign diplomats, and has the power of ratifying or denouncing international treaties. The only action of the Presidium that is "subject to subsequent confirmation by the Supreme Soviet" is the appointment and removal of Ministers.

The Constitution states that "the legislative power of the U.S.S.R. is exercised exclusively by the Supreme Soviet of the U.S.S.R." This refers to the power to legislate for the entire Union or with respect to its central governing bodies in such fields as are enumerated in Article 14. At the same time, however, the Supreme Soviet is officially barred from legislating in those areas that are within the jurisdiction of its Presidium or the USSR Council of Ministers.

The Council of Ministers, for its part, also takes a considerable share of the subjects listed in Article 14. It has jurisdiction over the economy, public safety, the Armed Forces, foreign relations, and the establishment of special bodies on economic, cultural and defence matters. This leaves relatively few powers which the Supreme Soviet itself may exercise, although it is "the highest organ of state power." Eliminating from Article 14 those subjects which are in the hands of the Presidium and Council of Ministers, the following appears to be the sum of the Supreme Soviet's powers: (1) It ensures that the USSR Constitution is observed

(but does not interpret the Constitution) and that union-republic constitutions conform to it. (2) It exercises jurisdiction over territorial matters like the admission of new republics into the Union and approval of boundary alterations. (3) Insofar as the State Plan and Budget are concerned, the Supreme Soviet's duty is merely to "approve" them. (4) It may legislate with respect to USSR citizenship and the rights of foreigners. (5) Finally, it determines what are called the "basic principles of legislation" in the fields of resource utilization, education and public health, labour, the judicial system, and marriage and the family.³⁴ Outside of Article 14, the Supreme Soviet's only other specific power is the amendment of the Constitution. Unlike its other decisions, this requires a two-thirds majority in both houses in order to be approved.

Soviet writers boast that the Supreme Soviet "does not transform itself into a permanently sitting institution composed of professional parliamentarians who are dissociated from life and from practical activity."³⁵ Yet the Soviet parliament--under its succession of different names--has changed from the kind of workers' council originally organized to coordinate strikes in St. Petersburg in 1905 and again in 1917. The Supreme Soviet is more democratically, because directly, elected than its predecessors. It is, however, more

of an elite body,³⁶ and in this way less in line with that ideal form of proletarian self-government which Marx and Lenin thought was so well exemplified in the Paris Commune. Nor do Soviet scholars hesitate to emphasize this elite quality. One, for instance, has described the Supreme Soviet as containing

the foremost working men and women, the innovators of industry and transport, MTS and sovkhoz workers, the foremost men and women collective farmers, and renowned foremen of agricultural production [, not to mention]. . . the most eminent Soviet scholars, literary and artistic workers, engineers and agronomists, and workers in national education and public health. Among the USSR Supreme Soviet deputies there are famous marshals and admirals, generals and officers, and valiant soldiers of the Soviet Armed Forces. . . . The Soviet people [also] select as deputies to the USSR Supreme Soviet leaders of the Communist Party and of the Soviet Government, who render all their strength and talents for the struggle for popular happiness, for the blossoming of the socialist Motherland.³⁷

Such eulogies are frequently heard. One concludes from this that the Supreme Soviet is unlike bourgeois parliaments in that it does not sit as long as they and that it is much more of an honorific assembly.

In this connection, it may be mentioned in passing that the Soviet attitude to parliamentary institutions is ambiguous. This ambiguity dates back to Lenin. On the one hand, Western parliaments are denounced as being by nature instruments of bourgeois reaction. The deputies in these assemblies are said to be politicians and professional men in

the pay of the bourgeoisie.³⁸ At the same time, however, in countries like France and Italy where Communists and other "true democrats" have a sizeable representation, the situation is quite different. There the parliaments are being used effectively "to expose . . . the reactionary policy of the bourgeois ruling circles, to mobilize the toiling masses for the struggle to improve their living conditions, to safeguard national independence and peace, and to reestablish . . . democratic rights and freedoms."³⁹ The Soviet dilemma is that the leaders wish to give their parliament, the Supreme Soviet, the appearance of the latter model of parliamentarism while exercising strict control of it in the manner of the former.

As well as being the culminating point in the transformation from proletarian to honorific assemblies, the Supreme Soviet also embodies its predecessors' evolution from multi-party to single-party bodies. This significant alteration was systematically accomplished by the Bolsheviks during the first few years of the Soviet regime. The change was indefensible and indicated nothing other than the Bolshevik drive for absolute political hegemony. In defending it Lenin resorted to what Fainsod calls "dialectical casuistry."⁴⁰ By identifying the popular will with that of the soviets, and the will of the soviets with that of the Bolshevik Party,⁴¹ Lenin hoped to obscure the implications of his earlier

enthusiasm for the unadulterated soviets as being truly revolutionary and representative assemblies. Of themselves the soviets could not have turned from effective instruments of popular decision-making into weak vehicles of mere popular participation: they were made that way by the Bolsheviks.

NOTES

1. Derek J.R. Scott, Russian Political Institutions (2d ed.; New York, 1961), pp. 56-57; S.L. Ronin, "Istoricheskoe znachenie Sovetov 1905g.," SGP, No. 4, 1955, p. 13; Donald W. Treadgold, Twentieth Century Russia (Chicago, 1959), p. 76. The abbreviation SGP is used throughout this paper for the periodical Sovetskoe gosudarstvo i pravo.
2. Scott, p. 57. According to Merle Fainsod, "the Bolsheviks were at first extremely cool toward the whole idea of the Soviet." How Russia Is Ruled (rev. ed.; Cambridge, Mass., 1963), p. 51.
3. Treadgold, p. 76.
4. Ibid., pp. 126-27; Scott, p. 57. The two types of soviets were united in July, 1917. James H. Meisel and Edward S. Kozera (eds.), Materials for the Study of the Soviet System (2d rev. ed.; Ann Arbor, Mich., 1953), p. 11.
5. "O zadachakh proletariata v dannoi revoliutsii," Polnoe sobranie sochinenii (5th ed.; Moscow, 1962), XXXI, 115.
6. Ibid.
7. Scott, p. 57.
8. Ibid., p. 56.
9. Ibid.
10. V.I. Lenin, "Theses and Report on Bourgeois Democracy and the Dictatorship of the Proletariat: March 4," To the Population; On "Democracy" and Dictatorship; What Is Soviet Power? (Moscow, 1955), p. 41.
11. Scott, p. 59. There was a total of 1090 delegates. The following parties also were represented (number of delegates in parentheses): Internationalists (32); Socialists unaffiliated with parties (73); United Social Democrats (10); Bundists (10); "Edinstvo" (3); National Socialists (3); Trudoviks (5); Anarchist-Communist (1). Twenty-one delegates were from the army. Meisel and Kozera, p. 10.

12. Treadgold, p. 127.
13. Scott, p. 59.
14. A.I. Lepeshkin et al., Kurs Sovetskogo gosudarstvennogo prava (Moscow, 1962), II, 368.
15. Ibid., p. 369. "The ratio in favor of urban workers and the system of indirect elections for rural deputies were designed to neutralize the numerical preponderance of the peasantry and to prevent it from swamping the Soviet machinery." Fainsod, p. 354.
16. Lepeshkin et al., II, 369, 371.
17. Ibid., p. 371. The system of governmental institutions was the same in each of the republics as at the centre.
18. Ibid., pp. 373-74.
19. Ibid., pp. 375, 388-89. The Adzhar and Abkhaz ASSR's were allotted only one representative each in the Council of Nationalities.
20. Richard Pipes, The Formation of the Soviet Union (rev. ed.; Cambridge, Mass., 1964), p. 249.
21. Ibid.
22. Ibid., p. 250.
23. Kh. Iu. Libman, Sovet Natsional'nostei (Moscow, 1940), p. 8.
24. A Denisov and M. Kirichenko, Soviet State Law (Moscow, 1960), p. 79.
25. There was, therefore, some variation in the size of the Presidium as the number of union republics changed.
26. Lepeshkin et al., II, 379-80.
27. Denisov and Kirichenko, p. 79.
28. Peter Henry Juviler, "Functions of the Deputy to the Supreme Soviet of the USSR" (unpublished Ph.D. dissertation, Columbia University, 1960), p. 4.

29. J. Stalin, Problems of Leninism (11th ed.; Moscow, 1953), p. 707.
30. Ibid.
31. The remainder of this chapter is based on the (1936) USSR Constitution, which may be found in an appendix to Denisov and Kirichenko, pp. 371-412.
32. These were the numbers of such divisions in the 1962 Supreme Soviet elections.
33. Strictly speaking, their representation is not provided for in the Constitution. It has been established by practice rather than statute.
34. This is an example of overlapping between two levels of government. Although law-making in the fields listed is itself in republican hands, the principles are defined by the central government.
35. M.G. Kirichenko, Verkhovnyi Sovet SSSR (Moscow, 1962), p. 25.
36. Julian Towster, Political Power in the U.S.S.R.: 1917-1947 (New York, 1948), p. 253.
37. D.A. Kerimov, Zakonodatel'naia deiatel'nost' Sovetskogo gosudarstva (Moscow, 1955), p. 46.
38. B.P. Kravtsov, Verkhovnyi Sovet SSSR (Moscow, 1954), p. 63.
39. Ibid., p. 65.
40. Fainsod, p. 134.
41. Ibid.

CHAPTER II

ORGANIZATION OF THE SUPREME SOVIET

The Bolsheviks conceive of democracy in a socialist country such as theirs as being equivalent not to mass decision-making but to mass participation. The Supreme Soviet illustrates well this conception. On the one hand, elections to the Supreme Soviet manifest a high degree of participation. On the other, that body's internal organization, a truncated adaptation of European parliamentary practices, helps make it an institution easily ignored by the leaders in their decision-making and policy-implementing processes.

Election of the Supreme Soviet

In general, the subject of Soviet elections has already been well described from a Western viewpoint in the book by George Carson.¹ In particular, a formal description of current regulations governing elections to the Supreme Soviet may be found in the Presidium decree dated January 9, 1950.² Yet it would cause a serious gap to omit from consideration in this study the topic of how the Supreme Soviet is elected. What is here to be undertaken, therefore, rather

than an exhaustive exposition, is only an outline of the electoral process primarily to illustrate the nature of the relationship between elector and elected in the Soviet system. A secondary purpose of this brief sketch is to highlight some little-known features of electoral practices in the USSR. That Soviet elections do not serve the same aims as do those in so-called liberal democracies is common knowledge. That they do perform a function is sometimes overlooked. They are meant to demonstrate an affirmation of unity between leaders and masses. The erroneous conclusion that they serve no purpose is reached if one is misled into expecting to find some "democratic" substance beneath the elaborate "democratic" paraphernalia of Soviet elections. The trappings resemble those of non-Communist political life; the substance does not. Since non-Soviet "democratic" purposes for elections are not the only possible ones, their absence does not necessarily imply a total absence of any purpose.

Normally, when the Supreme Soviet reaches the end of a four-year term (called a sozyv, or convocation), its Presidium calls elections for a new Supreme Soviet for a date no later than two months following dissolution.³ Within that same period the Presidium publishes a list of the Soviet of the Union and Soviet of Nationalities constituencies.⁴ Electoral commissions, ranging from the all-union level down to the

TABLE 5

NUMBER OF SUPREME SOVIET CONSTITUENCIES,
BY REPUBLICS, 1962

Republic	Soviet of Union	Soviet of Nationalities
Russian Federation	441	236
Ukraine	157	25
Belorussia	31	25
Uzbekistan	30	36
Kazakhstan	38	25
Georgia	14	52
Azerbaidzhan	14	41
Lithuania	10	25
Moldavia	10	25
Latvia	7	25
Kirghizia	7	25
Tadzhikistan	7	30
Armenia	7	25
Turkmenistan	6	25
Estonia	4	25

Source: Vedomosti Verkhovnogo Soveta SSSR, No. 12, 1962.

There are besides 7 representatives in each chamber from the so-called Military Electoral Districts.

district and ward, are set up to supervise the elections, register candidates, count the votes and certify successful candidates. They are chosen from representatives of the Party, the trade unions, and Komsomol and other public organizations. Election commission members may not stand as candidates.⁵

Because constituency boundaries within a republic are different for each chamber, two types of electoral commissions exist--one set for the Soviet of the Union; one for the Soviet of Nationalities. Overseeing the elections in each constituency

is an appropriate District Electoral Commission composed of eleven persons. Each constituency is further subdivided into wards which may contain as few as 50 inhabitants or, in one case, 25 voters. In each ward there is but one combined commission which performs its functions for the voting to both houses. It consists of from three to eleven members and reports its results to the two different district commissions above it. The Soviet of the Union District Electoral Commissions forward their results directly to the all-union body; those for the other chamber transmit theirs to Soviet of Nationalities commissions established at the union and autonomous republican, autonomous oblast' and national district levels. These national Soviet of Nationalities commissions (13 to 19 members) then also report to the all-union Central Election Commission. Like its counterpart at the ward level this highest body similarly serves for both parts of the Supreme Soviet. It has a membership of twenty-seven. The information collected by it is transmitted to the Supreme Soviet's Credentials Commissions.

Nominations are made by Party, trade union and the public organizations as well as by general meetings of the "toilers" in their factories, farms and military units. These are submitted to the District Election Commissions which publish "the . . . name, . . . age, occupation and Party affiliation

of every registered candidate for the Supreme Soviet of the U.S.S.R., and the name of the public organization nominating the candidate. . . ."⁶ There are no contending parties. All candidates are part of the "bloc of Communists and party-less," the official slate. The only qualification a nominee must possess, according to Soviet law, is that he be a USSR citizen of at least twenty-three years of age.⁷ Soviet writers proclaim that there are in their system none of the restrictions which in bourgeois countries circumscribe the right to be elected.⁸ Thus a Soviet citizen may be nominated irrespective of: "race or nationality, sex, religious creed, standard of education, domicile, social origin, property status or past activities. . . ."⁹ The absence of these restrictions, as Stalin once took care to point out, underlines the "equality" of the suffrage enjoyed by Soviet citizens.¹⁰ There are, curiously enough, also no stipulations regarding a candidate's sanity.¹¹

Frequently, several candidates are nominated in a constituency, although only one of them subsequently agrees to stand for election in that riding. The other nominees are members of the top leadership and are proposed for candidacy in dozens of constituencies. Stalin and Khrushchev both used to receive hundreds of such nominations.¹² When each leader finally announces for which constituency he will stand and

declines to be registered in the others, "each constituency is left with one nominee, never more than one, and never without one."¹³ This system of honorific nominations is a useful guide to the relative standing within the highest Soviet ruling circle. Variations in the number of nominations a person receives are accurate reflections of changes in his standing.¹⁴

An American observer reported his impression in 1958 that "the Communist party is in complete control of . . . the nominations [to the Supreme Soviet]."¹⁵ In spite of being nominated by and discussed at meetings of the public organizations, "there is very little possibility that a man unacceptable to the party would even be discussed, let alone nominated."¹⁶ Taking note of the intricate balances struck in predetermining the Supreme Soviet's composition and of the pattern of honorific nominations, this same reporter was led to speculate that

there must be some master plan in Moscow to govern the nominations. Within this plan, the good Communists in Kiev are probably free to decide whether they prefer as one of their candidates Professor A., the distinguished and politically reliable biologist, to Professor B., the distinguished and politically reliable chemist.¹⁷

Following a campaign, the object of which is to encourage a large turn-out of voters in support of the sole candidate in each constituency, and in which more than one-tenth of the

electorate acts as agitators, the election duly takes place.¹⁸ Considering that every agitator has, on the average, to ensure only that he and eight other people cast their ballots, it is no surprise that voting turn-out is nearly one hundred percent. (See Table 6.) There are, besides, several other factors contributing to this high rate of participation:

TABLE 6

RESULTS OF ELECTIONS TO THE SUPREME SOVIET: 1937-1962

Convocation	Year	Percentage turn-out	Percentage of voters for official candidates
I	1937	96.5 or 96.8	98.2 or 98.6
II	1946	99.7	99.15 or 99.17
III	1950	99.98	99.73
IV	1954	99.98	99.84
V	1958	99.97	99.6 (approx)
VI.	1962	99.95	99.5 (approx)

Source: Kirichenko, p. 8; Osnovy Sovetskogo gosudarstva i prava (Moscow, 1962), p. 175; "Triumf velikoi partii Lenina-Stalina," SGP, No. 3, 1950, p. 5.

elections are held on a day of rest; the polls are open from 6 a.m. until midnight; and election workers bring the ballot box to those unable to attend the polls.

The notoriously large proportion of votes for the official candidates (see Table 6) is explained mainly by the style of ballot. The ballot is printed with only one name--that of the official candidate. Voters are instructed to

"leave on the ballot the name of the ONE candidate for whom you vote, and cross out the others." To vote for the candidate, then, requires only that the ballot be folded and dropped in the box. No marking of the ballot is necessary; indeed, one need not even be able to read it. Yet at every polling station curtained booths are provided for those who wish to exercise their right of voting in secret. To vote against the candidate necessitates using the booths and crossing out the one name on the ballot. Sometimes a voter "writes in" another name. This is also counted as a vote "against" the candidate rather than for the person whose name has been written in. Sometimes, however, the booth is used to inscribe slogans, verses or one's signature on the ballot in a show of patriotic zeal. This does not invalidate the vote.¹⁹ The electoral law provides for only two kinds of invalidated ballot: that containing the names of more than one candidate, and that not of the official format.²⁰ In every election the percentage of ballots considered to have been spoiled is almost nil.

To have been elected a candidate must have secured a majority of votes and more than half of the electorate in his constituency must have voted. In no election to the Supreme Soviet has a deputy's election been invalidated because either of these requirements has not been met. Should it ever

happen, the law provides for by-elections to be held within two weeks.²¹

In accordance with the principles of "democratic centralism" the electors continue to exercise control over their deputy after the election and may recall him at any time.²² This is intended to illustrate the sovereignty of the people.²³ The matter of recall may be raised by a public organization or other meeting of the workers which forwards a submission to the Supreme Soviet Presidium. This body designates, if it considers the submission lawful, a day for voting on the issue of recall.²⁴ A majority of the electorate having then voted openly²⁵ for the recall of their deputy, the Presidium announces a new election. Since 1961, eight deputies have been recalled from the Soviet of Nationalities; only one deputy in the other chamber has suffered this fate.²⁶

The Supreme Soviet deputy assumes his powers as soon as his election has been confirmed by the regional electoral commission.²⁷ These powers are held by him until he "loses his mandate," as the Soviets put it. This loss occurs either collectively for all deputies following dissolution or individually in certain reasonably precise circumstances. In the former instance his powers terminate on the day of elections for the succeeding Supreme Soviet convocation.²⁸ Besides the contingency of recall, the deputy's mandate customarily ends:

if he dies or suffers a prolonged illness; if he absents himself abroad for a long time or takes up residence there; or if he is incarcerated. Technically it ends if he loses Soviet citizenship or is otherwise deprived of deputy's status.²⁹

Privileges and benefits to which deputies are entitled would appear legally to be very few. Immunity from arrest is the only privilege specified in the Constitution. But it may be removed by the Supreme Soviet or its Presidium. (In other legislatures, by comparison, no other body except the assembly may rescind such a privilege.) Deputies are also assured by law the following benefits: an expense account, a monthly remuneration of 100 roubles, a daily grant of 15 roubles during sessions,³⁰ free transportation by rail or water,³¹ and a limited right of travel without charge by air.³² They are reported also to have some other customary advantages like the use of separate waiting rooms in railway stations. Herman Finer points out that "during the session he [a deputy] is afforded the best hotel accommodation and the best seats at the theaters and opera."³³ About these, however, Soviet sources are rather silent. All that one of them manages to say is that in comparison with their counterparts in other, lower Soviets, deputies to the Supreme Soviet are not "in principle" in a superior position regarding rights and

privileges.³⁴ Of course, deputies continue to retain their basic jobs and salaries while sitting in the Supreme Soviet or working in one of its commissions.³⁵

By-elections are designated by the Supreme Soviet Presidium to fill vacancies created by such eventualities as were, in speaking of a deputy's loss of powers, indicated above. The new deputy serves out the remainder of his predecessor's four-year term. By-elections have also been held, as they were in 1939 and 1940, to choose representatives to the Supreme Soviet from newly-annexed territories. This accounts partly for the large number of by-elections during the First Convocation (Table 7).

TABLE 7

NUMBER OF DEPUTIES ELECTED IN BY-ELECTIONS
TO THE SUPREME SOVIET: 1938-1964

Convocation	Number of by-elections
I	389
II	25
III	47
IV	32
V	23
VI	30

Sources: Lepeshkin et al., II, 393; Vedomosti, 1962-1964.

Soviet scholars have been fond of reiterating the elaborate and precisely-detailed procedure for resolving deadlocks

between the two chambers which ends in the dissolution of the Supreme Soviet and the calling of new elections. The difficulties for Soviet theory if this measure were to be effected, and perhaps a reason why it never has been, were inadvertently revealed by a Soviet textbook in 1949. When in such stale-mated circumstances the Supreme Soviet is dissolved and a new election is called, said the authors, the people thus "express their thought on the issue. . . ." ³⁶ The question is: what issue can the people decide by returning to office another slate of Party-approved candidates? What can be said to have been decided? And what happens to the leading role of the Party if the people do "express their thought on the issue"? Does it slide along on the coattails of the popular will? Happily for Soviet students of the state these unthinkable implications have been avoided by leaving undisturbed the dormant--indeed, possibly lifeless--provisions of the Constitution's famous Article 47. This article comes by its fame in a similar way as did the renowned Tsar Cannon in the Kremlin.

Internal Organization

Shortly after an election, the Presidium, which continues to exercise its powers from the end of its parent Supreme Soviet's term until the moment a new Presidium is elected during the succeeding convocation's first session,

publishes an edict convening the newly-chosen Supreme Soviet of the USSR.³⁷ No more than three months must be allowed to elapse between election and first meeting.³⁸ Deputies are apparently informed "in good time"³⁹ of matters to be considered in the Supreme Soviet. A few days before the session a notice in the press specifies the meeting-place, times of commencement and where deputies are to register.⁴⁰ This preparatory work is undertaken by the Presidium; between sessions it receives assistance in that task from the chairmen of the two chambers.⁴¹ A deputy, incidentally, who is unable to arrive in Moscow on time for the beginning of the session apparently is obliged to inform the Presidium of that fact.⁴²

Sessions, of which two ought to be held each year in the normal course of events, are the "form of work" of the Supreme Soviet. Extraordinary sessions may be called by the Presidium at its own discretion or on the request of a union republic. A suggestion has even been made that such sessions also be convoked on request of one-third of the deputies, as is done (or may be done) in republican Supreme Soviets.⁴³ This has not yet been incorporated into the Constitution. The Supreme Soviet has been convened for extraordinary sessions a total of five times: twice in 1939 and in 1957; once in 1960.⁴⁴ One of its 1957 meetings was to celebrate the Revolution's fortieth anniversary. So-called "regular" sessions of the

Supreme Soviet have, in fact, been rather irregular. During the nine years of its life the First Convocation held only ten regular sessions. During the Second and Third, which lasted four years each, there was again a total of only ten such meetings. This made, up to the end of 1953, a grand total of twenty sessions in a period during which the Constitution provided for thirty-two. This irregularity, especially between 1941 and 1945 when three sessions took place,⁴⁶ has been deplored even by Soviet observers. One of these points to the example of the Congresses of Soviets which in their day continued to meet in spite of the Civil War.⁴⁷ The constitutional provision for twice-yearly sessions has been more strictly followed since 1953.⁴⁸

Sessions are said to "consist of a series of successive sittings of the Supreme Soviet with a single, common agenda for them."⁴⁹ The length of sessions is, however, not regulated. In practice there is as great a fluctuation in their length as has already been seen to exist, in spite of legal provisions, in their frequency. A session, according to one Soviet authority, may consist of but one sitting.⁵⁰ In fact, two such sittings have taken place and the shortest session in its history occurred on March 15, 1953, when the Supreme Soviet met for only three hours.⁵¹ Meanwhile, the record for the longest session was set--and has never been since equalled--

in 1938: eleven days.⁵² Normally sessions never exceed a week in length. They are everywhere described as being "open"⁵³ with "delegations of workers, leaders of social organizations, members of the diplomatic corps, and representatives of Soviet and foreign press and radio" present.⁵⁴ An American scholar studying for a year in the Soviet Union, however, has reported that he was permitted only to attend one sitting and his requests to witness more were ignored.⁵⁵ The subject of his studies was the USSR Supreme Soviet.

The Constitution provides that sessions of both houses "begin and terminate simultaneously."⁵⁶ Until 1957, however, it was not possible for them to have sittings that were simultaneous but separate. They had, therefore, to alternate mornings and evenings, switching from day to day, in the same accommodation, the Great Kremlin Hall.⁵⁷ That hall, by the way, served on other occasions "also for meetings of the R.S.F.S.R. Supreme Soviet, party congresses and the larger conferences. . . ."⁵⁸ A rule regulating the allocation of different times to each house was not formulated until 1946. Since 1957 both chambers have been able to sit separately and simultaneously, one in the Great Kremlin Hall, the other in the Kremlin Theatre.⁵⁹ With the exception of two occasions specified in the Constitution,⁶⁰ there is no regulation outlining when the houses should sit jointly and when separately.

Nor has a clear pattern emerged from customary practice. The initial sitting of a session, for example, is most often separate, but, to adopt the equivocal Soviet form of expression, it is sometimes in practice a joint sitting.⁶¹ A reasonable generalization was expressed by Julian Towster who, in speaking of the period up to 1947, wrote: "In practice, most of the reports were delivered at joint [sittings], while most of the debates were conducted separately. . . ."⁶² This seems to be valid today: it saves the leaders' time to make their "reports" to joint sittings; it allows a larger number of representatives to speak if they do so at separate sittings, which enhances the idea of public participation in government.

Both houses are almost identically arranged insofar as their officers and internal groupings are concerned. Each has an elected chairman who conducts the business of the session, acting as does the Speaker of assemblies elsewhere. He and his four deputies⁶³ are not supposed to be simultaneously in any of the Supreme Soviet's subordinate bodies.⁶⁴ Between sessions the chairman directs the work of the commissions and he serves as the Supreme Soviet's representative in meetings with foreign parliamentarians or domestic organizations.⁶⁵ A kind of steering committee exists in each chamber called the Council of Elders. Composed of about one-tenth of the deputies, each council is elected on the basis of territorial

representation.⁶⁶ It does preliminary work in preparing the agenda and house rules; it is directly supervised by the appropriate chamber's Party Group.⁶⁷ As they do in every gathering, the Communists form in the Supreme Soviet two Party Groups intended to be the "leading force"⁶⁸ in the assembly and themselves are guided in turn by the CPSU Central Committee.⁶⁹ Members of the other part of the "bloc," the so-called party-less (bespartiiinye), who comprise one-quarter of the assembly, are not allowed to form a similar caucus. Thus the existence of the Party Groups assures the emergence of "a single opinion among the deputies of both chambers."⁷⁰ This unanimous opinion is reflected most obviously in the almost identical speeches in both parts of the Supreme Soviet, the identity of their rules and agenda,⁷¹ and the unanimous voting in each.

Besides Mandates Commissions, a number of standing commissions is elected in each chamber. Both houses have commissions for legislative proposals, budgetary matters and foreign affairs. The Soviet of Nationalities has had since 1957 an Economic Commission as well. On a few occasions temporary commissions have also been chosen, usually at joint sittings.⁷²

The Supreme Soviet elects a Presidium at the beginning of every convocation. This body, nominally responsible to the assembly, exercises its parent's powers between sessions,

issuing decrees in its name which the Supreme Soviet later automatically ratifies. With assistance from the Central Committee, the Party Group, and the Councils of Elders it runs the Supreme Soviet.

Finally, there is in the Supreme Soviet the USSR Parliamentary Group formed in 1955, a member of the Interparliamentary Union. The group is said to include "the overwhelming majority"⁷³ of deputies, but its work is led by an elected committee of twenty-one,⁷⁴ which acts as liaison between the international body and the Soviet assembly. "The Group," write a couple of Soviet state scholars, "explains the peace-loving external policy of the Soviet state at meetings of the Interparliamentary Union, through its press organs, and by means of personal contacts with representatives of foreign states' parliaments."⁷⁵

The keynote of the Supreme Soviet, as, indeed, of the whole system of Soviets, is participation. The entire electorate, practically speaking, takes part in the democratic process by voting. The larger the turn-out, the more successful is an election considered to have been. A deputy takes part in the Supreme Soviet sessions and perhaps in the consultative work of a commission. He helps in the making of decisions by sharing in the unanimous voting. He returns to the constituency, reports to his electors, and explains how the laws

he helped to pass are to be fulfilled. His constituents come to him with grievances, hoping he may intercede for them with some influential person. If he is lax in carrying out his deputy's duties, if, say, he ignores their petitions, he may be recalled by his electors. Thus participation for the public does not end with the closing of the polls. And all of this is part of that whole environment which makes the USSR a land of perpetual "agitation," or as a Westerner might say, "propaganda."

The nature of the deputy's participation within the Supreme Soviet is perhaps less colorful than that of the populace in the broad political process. This is due in part to the organization of that assembly. In the first place, it is a body of over 1400 members and the lone deputy is rather insignificant in it. If he is not fortunate enough to belong to the Party, there is no caucus in which he may participate. Furthermore, his chances of being selected to serve in the commissions are slight since those bodies collectively comprise only a small proportion of the deputies. Besides, no one, generally speaking, is elected to the commissions unless he is both a Party member and a rather exalted one at that. Finally, a deputy has to be, all in all, a rather important person to be able to speak in the house. Here the size of the assembly and the brevity of its sessions are against him. He

would have practically no opportunity to speak even if the "debates" were not prearranged as they, of course, are.

Some of the forms of Western parliamentary practice are ostentatiously displayed in the Supreme Soviet. They are, however, mostly insubstantial. The deputy's limited ability to participate in the work of the assembly illustrates their shallowness. Some effective work is carried on by the Supreme Soviet, but this is done by select groups: the Councils of Elders, Party Groups, Presidium and commissions. What the ordinary deputy may do is to be a member of a crowd: to vote in the house; to take part--with 95 percent of his fellows--in the Parliamentary Group. This makes him no more an extraordinary parliamentarian or legislator than his Western counterpart, the average backbencher.

NOTES

1. Electoral Practices in the U.S.S.R. (New York, 1955).
2. "Polozhenie o vyborakh v Verkhovnyi Sovet SSSR," in A.I. Lepeshkin (ed.), Sbornik ofitsial'nykh dokumentov (Moscow, 1964), pp. 379-95. (Referred to hereafter as Electoral Law.) For an English translation, see Denisov and Kirichenko, pp. 413-34.. Two recent booklets on Soviet elections are worth consulting. They are: N.G. Starovoitov, Poriadok organizatsii i provedeniia vyborov v Verkhovnye Sovety soiuznykh i avtonomnykh respublik i v mestnye Sovety deputatov trudiashchikhsia (Moscow, 1963), and A.I. Kim, Sovetskaia izbiratel'naia sistema (Moscow, 1962).
3. An exception occurred in 1941, when elections were suspended and the Supreme Soviet of the First Convocation carried on until the end of the war. Samuel N. Harper and Ronald Thompson, The Government of the Soviet Union (2d ed.; New York, 1949), p. 135.
4. The Presidium is also responsible for the delineation of these constituencies.
5. Factual information on elections in this and succeeding paragraphs is culled from the Electoral Law (see note 2 supra).
6. Electoral Law, Art. 64.
7. The right to be elected was formerly granted to those eighteen and over. Perhaps because the regime mistrusted its post-war young people, but officially in order to introduce stability and qualities of responsibility into the deputies, this was raised to twenty-three in October, 1945. Vladimir Gsovski and Kazimierz Grzybowski (eds.), Government, Law and Courts in the Soviet Union and Eastern Europe (London, 1959), I, 23. The 1945 law is reproduced in Sbornik ofitsial'nykh dokumentov, p. 396.
8. M.G. Kirichenko, Verkhovnyi Sovet SSSR (Moscow, 1962), p. 21. Another Soviet author condemns the bourgeois passive electoral right because the ordinary man does not stand a chance of being elected. Then he tells us that "the best representatives of the toilers who have excelled by their labour and their social activity" are deputies to the Soviets. S.T. Korovin, "Izbiratel'nye prava sovetskikh grazhdan," SGP, No. 2, 1954, p. 9.

9. Electoral Law, Art. 3.
10. Stalin, Problems of Leninism, p. 692.
11. Persons certified insane are disqualified from voting. Such persons are not explicitly excluded from being elected. Compare Arts. 2 and 3 of the Electoral Law, which, incidentally, echo Art. 135 of the Constitution.
12. Thomas H. Rigby, "Changing Composition of the Supreme Soviet," The Political Quarterly, XXIV (1953), 315.
13. Ibid.
14. Hedley Donovan, "How the Russian People Vote--And Why," Life, April 21, 1958, p. 60.
15. Ibid.
16. Ibid.
17. Ibid.
18. In the 1937 elections there were 94 million eligible voters. It was reported that about 10 million people "participated in organizational and agitational work on the elections." Ocherki po istorii organov sovetskoi gosudarstvennoi vlasti (Moscow, 1949), p. 242. (Cited hereafter as Ocherki.) The proportion has probably remained of this same order up to the present day.
19. Hedley Donovan, p. 59.
20. Electoral Law, Art. 88.
21. In elections to local Soviets there have been occasions for nullification of results owing to a turnout of less than half of the people on the electoral rolls. Carson, p. 83, and Kim, p. 72. Of more than 2 million deputies elected to local Soviets in 1965, 208 received less than a majority of votes and their election was invalidated. Pravda, March 28, 1965.
22. I.D. Levin, "Sovetskaia izbiratel'naia sistema--izbiratel'naia sistema vysshego tipa," SGP, No. 2, 1950, p. 32.

23. A.A. Karp, "Pravo otzyva deputata," SGP, No. 9, 1949, p. 39, and L.I. Mandel'shtam and A.I. Tikhonov, "Deputat—sluga naroda," ibid., No. 12, 1952, p. 33. The 1959 law on deputy recall, the first one in the Soviet regime's history, is in Sbornik ofitsial'nykh dokumentov, pp. 397-400. Less than a month after the Revolution, of course, the VTsIK had issued a decree on the right of deputy recall based on a majority vote of the electors (ibid., pp. 346-47). The recent legislation is, however, the first statute outlining the procedure for exercising that right.
24. Karp, p. 43.
25. It was formerly maintained (see, for example, ibid.), more on the basis of theory than anything else, that voting is secret in these cases. However, a more recent and more reliable source indicates that voting for recall of a deputy is in practice open as the recall law provides. K.F. Sheremet and G.B. Barabashev, Sovetskoe stroitel'stvo (Moscow, 1961), p. 150.
26. Vedomosti Verkhovnogo Soveta SSSR, 1961-1964. (Cited hereafter as Vedomosti.) No reasons are ever given for the recalls.
27. A.I. Lepeshkin et al., II, 391, and L.G. Mareeva, "O srokakh polnomochii deputata," SGP, No. 9, 1948, p. 54.
28. Mareeva, p. 59.
29. Ibid., pp. 57-58, and K.G. Fedorov, Soiuznye organy vlasti (1922-1962) (Moscow, 1963), p. 143. The only recorded instance of a deputy being released from obligations at his own request occurred in 1945. The man who later became Cominform leader, G.M. Dimitrov, in that year relinquished Soviet citizenship on being elected to the Bulgarian National Assembly. Fedorov, p. 143.
30. Soviet News Bulletin (USSR Embassy, Ottawa), February 23, 1965.
31. Granted by a decree dated January 7, 1938. Sbornik ofitsial'nykh dokumentov, p. 400.
32. This privilege, to be enjoyed only while carrying out certain definite duties as deputy, was extended to the Supreme Soviet deputies--by themselves--only in 1958: Ibid.

33. Governments of Greater European Powers (New York, 1956), p. 801.
34. Sheremet and Barabashev, p. 145.
35. Lepeshkin et al., II, 393-94.
36. Ocherki, p. 238. No Soviet scholar has since provided any ideas that might clarify this example of the "loftier" form of bicameralism.
37. B.P. Kravtsov, Verkhovnyi Sovet SSSR (Moscow, 1954), p. 68, and Osnovy Sovetskogo gosudarstvennogo stroitel'stva i prava (Moscow, 1961), p. 180.
38. "The Constitution originally provided that the Supreme Soviet must be convened not later than one month after the elections; the interval was extended to three months by an amendment adopted in February, 1947." Michael T. Florinsky, Towards an Understanding of the U.S.S.R. A Study in Government, Politics, and Economic Planning (rev. ed.; New York, 1953), p. 52n.
39. Osnovy Sovetskogo gosudarstvennogo stroitel'stva i prava, p. 180.
40. Ibid.
41. Sheremet and Barabashev, p. 126.
42. Fedorov, p. 109.
43. M. Mikhailov, "Nekotorye voprosy sovetskoi konstitutsionnoi praktiki," SGP, No. 9, 1056, p. 8.
44. Sheremet and Barabashev, p. 124, and Kh. Iu. Libman, p. 46.
45. Lepeshkin et al., II, 396.
46. Fedorov, p. 126.
47. Ibid., p. 110.
48. Ibid., p. 111. But even so, as recently as 1961 and 1963 only one annual session was held.

49. Sheremet and Barabashev, p. 121.
50. Ibid., p. 121n.
51. Fedorov, p. 110. The other single-sitting session was in June, 1942.
52. Ibid.
53. See, for example, Kirichenko, p. 58, and Kravtsov, p. 42.
54. Kravtsov, p. 42.
55. Juviler, p. ix.
56. Article 41.
57. Fedorov, pp. 107-108, and Scott, p. 104.
58. Scott, p. 104.
59. Fedorov, pp. 107-108.
60. At a joint sitting the Supreme Soviet selects its Presidium and the USSR Council of Ministers (Arts. 48 and 56).
61. Lepeshkin, et al., II, 395. Seven of the 42 sessions held thus far have opened with joint sittings.
62. Political Power in the U.S.S.R.: 1917-1947 (New York, 1948), p. 254.
63. Prior to 1955, each house had only two deputy chairmen. Lepeshkin et al., II, 396n.
64. There has apparently been an exception to this customary rule. Fedorov, p. 111.
65. Sheremet and Barabashev, pp. 118-19.
66. Osnovy Sovetskogo gosudarstvennogo stroitel'stva i prava, p. 182.
67. Fedorov, p. 115.

68. Kravtsov, p. 42.
69. T.B. Anisimova, Vysshie organy gosudarstvennoi vlasti SSSR, soiuznykh i avtonomnykh respublik (Moscow, 1955), p. 26.
70. Sheremet and Barabashev, p. 120.
71. Kravtsov, p. 36.
72. Anisimova, p. 27. The subject of Supreme Soviet commissions is discussed more thoroughly in Chapter VI infra.
73. Sheremet and Barabashev, p. 122n.
74. Osnovy Sovetskogo gosudarstvennogo stroitel'stva i prava, p. 192.
75. Sheremet and Barabashev, p. 122n. The Supreme Soviet deputies' activities in the Union is well developed by Juviler in chapter IX of his dissertation.

CHAPTER III

REPRESENTATION

Soviet scholars like to emphasize the truly representative nature of their highest legislative body. Having selected their statistics with a certain amount of care, they point out that some groups, such as women, workers and farmers, are far better represented in the Supreme Soviet than in Western parliaments. In this, however, as in some other areas, their attitude appears ambiguous. On the one hand, they stress that the Supreme Soviet is made up of quite ordinary people taking their turn at being "amateur deputies." On the other, they go out of their way to explain that only "the best of the best [crème de la crème, so to speak] sons and daughters of the people" are elected to this body.¹ In fact, the second of these generalizations is more completely true than is the first. It turns out that even the apparently ordinary deputy has distinguished himself in some way and his election to the Supreme Soviet is recognition of this fact. In 1950, for example, all of the deputies classed as working men actually employed in industry were Stakhanovites (shock workers),² representatives of an un-Marxian kind of labour

elite.

This chapter aims to evaluate the Supreme Soviet's performance as a representative body by looking at its composition under various classifications. It will also be profitable to examine critically at each stage of this investigation the validity of certain Soviet claims concerning the Supreme Soviet. The problem will be approached as follows: Firstly, it is intended to determine how well the Soviet society is represented in this body, both from the point of view of the population and of the many nationalities of which it is composed. Secondly, certain specific categories of deputies (e.g., women, Party members and medal-holders) will be examined, as will the rate of turnover of members from one convocation to another. Thirdly, the levels of education and age will be considered. Finally, the social and occupational composition of the Supreme Soviet will be examined and compared with that of the Soviet population as a whole. From all of this it is hoped that some indication can in the end be given concerning how closely the Supreme Soviet represents society and how the elite.

Since its inception the Supreme Soviet has grown in size by more than one-quarter. The expansion has been due, on the one hand, to a reasonably steady increase in the number of union and autonomous republics represented in the Soviet

TABLE 8

NUMBER OF DEPUTIES IN THE USSR SUPREME SOVIET: 1937-1962

Convocation (Year elected)	I (1937)	II (1946)	III (1950)	IV (1954)	V (1958)	VI (1962)
Soviet of the Union	569	682	678	708	738	791
Soviet of Nationalities	574	657	638	639	640	652
Supreme Soviet Total	1143	1339	1316	1347	1378	1443

Source: Fedorov, p. 106; Lepeshkin et al., II, 384; Osnovy Sovetskogo gosudarstva i prava, pp. 175-76.

of Nationalities and, on the other, to population growth as reflected in the assembly's other chamber. (See Table 8.) While the Soviet of Nationalities expanded by 13.6 percent between 1937 and 1962, the Soviet of the Union did so by 39 percent, which was a greater rate of growth than that of the population. From 1939 to 1962 the USSR population grew only about 29 percent. Today the average deputy to the Soviet of the Union represents approximately 282,000 constituents instead of the 300,000 specifically provided for in the Constitution.

In the beginning the number of representatives in the Soviet of the Union correspond rather accurately to population

in the ratio of 1: 300,000. This was true of the USSR as a whole and also of the republics. A comparison of the 1939 population with representation in the First Supreme Soviet (Table 9) discloses only very small discrepancies between each republic's proper share and the actual size of its delegation.³ By 1958 the situation had undergone a considerable change. Applying the representation ratio to the 1959 USSR population, one would expect there to have been theoretically 696 deputies in the Soviet of the Union (Fifth Convocation). There were actually 738, a surplus of 44. If one uses the estimated population for 1963 as a guide, there should presently be nearly fifty deputies fewer in the Soviet of the Union than there actually are. It is interesting to examine the distribution of this surplus among the republics. One can reasonably expect it to reflect the leadership's assessment of their relative importance and it seems that this is so: the Russian Federation, Ukraine and Belorussia appear to have been fairly consistently overrepresented, while Moldavia, Uzbekistan, Kirghizia and Tadzhikistan have been even more consistently underrepresented. There has been a significant shift in the representation of Kazakhstan, from one deputy less than its entitlement to four deputies more. This is undoubtedly connected with that republic's increased importance owing to the settlement and exploitation of the Virgin Lands.

TABLE 9

NUMBER OF DEPUTIES IN THE SOVIET OF THE UNION, BY
REPUBLICS: 1938, 1958, 1962

	1938		1958		1962	
	Theoret- ical ^a	Actual	Theoret- ical ^b	Actual	Theoret- ical ^c	Actual
USSR	568	569	696	738	744	791
RSFSR	361	368	392	417	411	442
Ukraine	103	102	140	152	147	157
Belorussia	19	19	27	31	28	31
Uzbekistan	21	20	27	23	32	30
Kazakhstan	20	19	31	30	34	38
Georgia	12	12	13	13	14	14
Azerbaidzhan	11	11	12	12	14	14
Lithuania	-	-	9	10	10	10
Moldavia	-	-	10	9	11	10
Latvia	-	-	7	7	7	7
Kirghizia	5	5	7	6	8	7
Tadzhikistan	5	5	7	6	8	7
Armenia	4	4	6	6	7	7
Turkmenistan	4	4	5	5	6	6
Estonia	-	-	4	4	3	4

^aBased on 1939 statistics as given in I. Iu. Pisarev, Narodnaselevie SSSR (Moscow, 1962), p. 58, and Frank Lorimer, The Population of the Soviet Union (Geneva, 1946), p. 162.

^bBased on 1959 census as summarized in Uroven' obrazovaniia, natsional'nyi sostav, vozrastnaia struktura i razmeshchenie naseleniia SSSR po respublikam, kraiam i oblastiam (Moscow, 1960), pp. 13-16.

^cBased on estimated population for 1963 in Ukrains'ka Radians'ka Entsyklopediia (1963), XIII, 373.

In general, the Baltic and Transcaucasian republics and Turkmenistan have been given neither more nor fewer representatives than they merited by population.⁴

The variation in representation so obvious when expressed in absolute numbers—Uzbekistan has 2 fewer than it should; the RSFSR has 31 more--disappears when expressed in percentages. Thanks to the magic of numbers, the republics are represented roughly in the same proportion in the Soviet of the Union as they are by size within the entire USSR. (See Table 10). The inequity vanishes because the "surplus" is distributed proportionately. Of course, the larger a republic's deputation in the first place, the more extra seats it can absorb without affecting greatly its fraction in the chamber.

Information on the representation of nationalities in the Supreme Soviet is rather scarce. The Mandates Commission in the Soviet of Nationalities has not always reported these data and its counterpart in the other house has almost never done so.⁵ Representation of the USSR's various national groups has, of course, always been the special preserve of the Soviet of Nationalities. Considering, however, that the number of nationalities in that chamber was four fewer in 1962 than in 1938 (when there were 59), one would hesitate to judge the effectiveness with which this is being done.⁶ It is

TABLE 10

PERCENTAGE DISTRIBUTION OF POPULATION AND
REPRESENTATION IN THE SOVIET OF THE UNION
BY REPUBLICS: 1958-1963

	1958 Representen- tation	1959 Population	1962 Representen- tation	1963 Population
RSFSR	56.5	56.3	55.8	55.3
Ukraine	20.6	20.0	19.9	19.7
Belorussia	4.2	3.9	3.9	3.8
Uzbekistan	3.1	3.9	3.8	4.3
Kazakhstan	4.1	4.5	4.8	5.0
Georgia	1.8	1.9	1.8	1.9
Azerbaidzhan	1.6	1.8	1.8	1.9
Lithuania	1.4	1.3	1.3	1.3
Moldavia	1.2	1.4	1.3	1.4
Latvia	0.9	1.0	0.9	1.0
Kirghizia	0.8	1.0	0.9	1.1
Tadzhikistan	0.8	0.9	0.9	1.0
Armenia	0.8	0.8	0.9	0.9
Turkmenistan	0.7	0.7	0.8	0.8
Estonia	0.5	0.6	0.5	0.6

Sources: See Notes b and c to Table 9.

TABLE 11

PERCENTAGE DISTRIBUTION OF MAJOR NATIONALITIES IN THE
POPULATION AND IN THE SUPREME SOVIET: 1938-1959

Nationality	Soviet of Nationalities 1938	USSR Population 1939	Soviet of Nationalities 1950	Soviet of Nationalities 1958	Soviet of the Union 1958	USSR Population 1959
Russian	24.6	58.41	21.4	23.0	57.0	54.6
Ukrainian	6.3	16.56	5.9	6.1	20.7	17.8
Belorussian	2.6	3.11	3.9	4.1	3.9	3.8
Uzbek	4.9	2.86	4.5	4.5	2.6	2.9
Kazakh	4.2	1.83	3.0	3.1	2.0	1.7
Georgian	5.9	1.33	6.9	5.6	1.2	1.3
Azerbaidzhani	5.7	1.34	5.0	5.0	1.5	1.4
Lithuanian	-	0.02	3.3	3.1	1.2	1.1
Moldavian	0.9	0.15	3.4	2.5	0.54	1.06
Latvian	-	0.07	3.1	3.4	0.68	0.67
Kirghiz	3.0	0.52	3.0	2.3	0.54	0.46
Tadzhik	2.4	0.72	3.1	3.4	0.81	0.67
Armenian	5.2	1.27	5.0	4.5	0.95	1.3
Turkmen	2.6	0.48	3.1	3.1	0.68	0.48
Estonian	-	0.08	3.4	3.4	0.54	0.47
Jewish	2.6	1.78	no data	no data	no data	1.1
Tatar	2.8	2.54	1.4	1.7	no data	2.4

Sources: Kh. Iu. Libman, Sovet Natsional'nostei (Moscow, 1940), p. 44; "Soiuz Sovetskikh Sotsialisticheskikh Respublik," Bol'shaia Sovetskaia Entsiklopediia (Moscow, 1948), 60; D.A. Kerimov Zakonodatel'naia deiatel'nost' Sovetskogo gosudarstva (Moscow, 1955), p. 48; Zasedaniia Verkhovnogo Soveta SSSR piatogo sozyva: pervaiia sessiia (27-31 marta 1958g.); Stenograficheskie otchet (Moscow, 1958); and Uroven' obrazovaniia...naseleniia SSSR..., pp. 10-12.

probably the best that can be expected, since although there are over 100 nationalities in the USSR, only 54 of these number more than 50,000 individuals each (which is 2.4 one-hundredths of one percent of the whole USSR population).⁷

Representation of nationalities actually improved in the Soviet of the Union, which had half as many as did the other house in 1938 and two-thirds as many (38 versus 58) in 1958.⁸

From a comparison of population and representation data as summarized in Tables 11 and 12 one may take the following generalizations: First, room is made for the smaller groups in the Soviet of Nationalities by cutting down the representation of Ukrainians and Russians who in turn dominate the Soviet of the Union at the others' expense. Second, taking into account the fifteen principal (union-republican) nationalities, it may be said that none of them is underrepresented in both houses of the Supreme Soviet. In 1958, the Russians and Ukrainians were underrepresented in the Soviet of Nationalities while being overrepresented in the Soviet of the Union. For the Uzbeks, Armenians and Moldavians the reverse was the case. The other ten nationalities, slightly overrepresented in the Soviet of the Union, tended to be considerably more so in the other chamber. Third, the Soviet of Nationalities contains a slightly distorted reflection of the USSR's national composition. In 1950 and 1958,

TABLE 12

PERCENTAGE DISTRIBUTION OF MINOR NATIONALITIES IN THE POPULATION
AND IN THE SOVIET OF NATIONALITIES: 1938-1959

Nationality	Representation 1938	Population 1939	Representation 1950	Representation 1958	Population 1959
Chuvash	0.7	0.81	1.3	1.3	0.70
Mordvinian	0.9	0.86	0.94	0.78	0.62
Bashkir	0.9	0.50	0.63	0.63	0.47
Daghestani Peoples	no data	0.50	1.7	1.4	0.45
Udmurt	1.2	0.36	0.78	0.78	0.30
Mari	1.0	0.28	0.47	0.63	0.24
Komi	1.6	0.24	1.4	1.3	0.21
Chechen	0.9	no data	no data	0.63	0.20
Osetin	1.6	0.21	1.7	1.7	0.20
Buriat	1.4	no data	1.4	1.3	0.12
Iakut	1.2	no data	1.4	1.3	0.11
Kabardinian	0.5	0.10	1.1	0.78	0.10
Karakalpak	1.0	0.11	0.94	0.78	0.08
Karelian	0.9	0.15	no data	0.63	0.08
Ingush	0.2	no data	no data	0.31	0.05
Adygei	no data	0.05	0.47	no data	0.04
Abkhaz	1.0	0.03	0.63	1.1	0.03
Altai	0.5	no data	0.63	no data	0.02
Balkar	0.7	no data	no data	0.31	0.02

Source: See notes to Table 11.

with the exception of three major⁹ nationalities (Russians, Ukrainians and Tatars), all the others were rather more strongly represented in the Soviet of Nationalities than they were in the population. But those considered by the Soviets as having a significant enough number of deputies to be listed did not include, for example, eight nationalities each of whom was numerous enough to have been listed between the Osetins and Ingushes in Table 12.¹⁰ There are in addition 3 million Germans and Poles in the USSR (nearly one and one-half percent). Since 1937, when 10 Germans were elected to the Soviet of Nationalities, no mention has been made of them or the Poles in the Supreme Soviet.¹¹ The Jews (over two and one-quarter million of them) were last mentioned among the personnel of the Soviet of Nationalities during the First Convocation.

A high turnover rate is one of the outstanding features of the Supreme Soviet. In 1962 it was announced that nearly 70 percent of deputies had been elected for the first time.¹² This proportion is very slightly larger than that estimated by the Australian scholar, T.H. Rigby, for 1950. Rigby calculated that about one-third of the deputies elected in that year had held seats before.¹³ The turnover was much greater after the long First Convocation when, according to Rigby, only about 8 percent were re-elected. Less than half of these

were returned by the same constituencies as before. In 1950, 21.4 percent, or two-thirds of all those re-elected, retained their old seats.¹⁴ The elections of 1962 returned 18.4 percent of deputies from their former republics. The rate of re-election was slightly higher in the Soviet of the Union than in the Soviet of Nationalities.¹⁵ Rigby observed the same thing in 1950: 152 deputies retained their seats in the Soviet of the Union; 135 in the Soviet of Nationalities.¹⁶ Besides this, there were as always many deputies re-elected from different republics than before and a few, like the Soviet writer Ilya Erenburg, re-elected by the same republic but to the other house.¹⁷ The renewal rate, in the most recent elections, was greater in the Soviet of Nationalities, which saw 72.5 percent of new faces as against 65 percent in the Soviet of the Union.¹⁸

The Supreme Soviet is also renowned for the high percentage of women among its personnel. (See Table 13) On the whole, this factor has shown a steady increase between 1937 and 1962. It has been, however, the rising female complement of the Soviet of the Union which alone has maintained this trend. The percentage of women in the Soviet of Nationalities dipped slightly in 1950, recovered in 1954, but since that time has been declining steadily. The skeptic may not express surprise on hearing that, in a country where women represent

TABLE 13

PERCENTAGE OF WOMEN DEPUTIES IN THE SUPREME
SOVIET: I-VI CONVOCATIONS

	Convocations					
	I	II	III	IV	V	VI
Soviet of the Union	13.5	17.0	19.6	24.0	25.7	27.2
Soviet of Nationalities	19.2	24.5	23.0	27.9	27.5	26.8
Supreme Soviet	16.4	20.7	21.3	25.8	26.6	27.0

Source: Fedorov, Soiuznye organy vlasti (1922-1962), p. 106.

nearly 60 percent of the adult population, they comprise 27 percent of deputies to the Supreme Soviet. Yet it is, at least on the surface, a very respectable proportion. The Mandates Commissions never report in detail on the occupations of these women. If they did they might have to reveal, for example, that presently about 40 percent of these women deputies are unskilled kolkhoz and sovkhos workers. They are there simply as ballast; women farm labourers comprise one-quarter of the female adult population.¹⁹ The tendency is that women deputies are drawn mainly from the factories and farms, while men continue to dominate the higher levels of the social pyramid within the Supreme Soviet: they are from the ranks of the intelligentsia, the Party and the Government.

Members and candidate members of the Party constitute about three-quarters of the Supreme Soviet. There is, as there always has been, a smaller proportion of them in the Soviet of Nationalities than in the other chamber. (See Table 14.) The nadir of representation of the Party-less came in 1950. Their presence has been noticeably cultivated since the passing of Stalin.

TABLE 14

PERCENTAGE OF COMMUNISTS AMONG DEPUTIES TO THE
SUPREME SOVIET: I-VI CONVOCATIONS

	Convocation					
	I	II	III	IV	V	VI
Soviet of the Union	81.0	84.5	85.5	79.8	76.3	76.4
Soviet of Nationalities	71.3	77.5	81.3	75.9	75.8	75.2
Supreme Soviet	76.1	81.0	83.5	78.0	76.1	75.8

Source: Fedorov, Soiuznye organy vlasti (1922-1962), p. 106.

Climbing to a peak in 1950 and receding since then, the category of decoration-holders has exhibited a similar growth pattern to that of Party members (Table 15). Very nearly all of the deputies in the Third Supreme Soviet (1211 out of 1316) bore some medal or meritorious title--surely making it one of the world's most-decorated assemblies.

TABLE 15

PERCENTAGE OF DECORATED PERSONAGES IN THE
SUPREME SOVIET: I-VI CONVOCATIONS

	Convocation					
	I	II	III	IV	V	VI
Soviet of the Union	42.5	78	91.3	90.7	87.7	78.8
Soviet of Nationalities	no data	68	92.8	86.5	82.5	72.4
Supreme Soviet	no data	68	92.0	88.7	85.3	75.9

Sources: Rigby, "Changing Composition of the Supreme Soviet," The Political Quarterly, XXIV (1953), 314; Zasedaniia Verkhov-nogo Soveta SSSR, 1950-1958; Pravda, April 25, 1962.

Interestingly enough, however, while the absolute total number of bemedalled deputies has decreased, Stalin- and Lenin-prizewinners have managed to hold their own, the category of "Hero of Socialist Labour" has doubled in size, but "Heroes of the Soviet Union" have been reduced by one-quarter. Holders of these three major awards have been with but one exception much more numerous in the Soviet of the Union than the Soviet of Nationalities.

One might have expected a steady rise in education among Supreme Soviet deputies since 1937. Actually, the pattern has been slightly irregular, as can be seen in Table 16. Of course, the percentage of deputies possessing only a primary education has declined sharply, although the assembly

TABLE 16

PERCENTAGE DISTRIBUTION OF SUPREME SOVIET
DEPUTIES BY LEVEL OF EDUCATION

	Convocation					
	I	II	III	IV	V	VI
Soviet of the Union						
Higher	19.3	36.7	42.9	50.4	49.1	{ 48.5
Incomplete higher	-	-	7.2	6.2		
Secondary	29.5	29.2	21.4	16.0	33.3	{ 16.3
Incomplete secondary	-	-	-	27.4		
Lower	54.5	34.2	28.5			17.6
Soviet of Nationalities						
Higher		29.7	35.4	46.0	48.3	{ 49.2
Incomplete higher	no	-	-	8.0		
Secondary		26.2	29.0	17.7	30.5	{ 16.9
Incomplete secondary	data	-	-	28.3		
Lower		44.1	35.6			21.3
Supreme Soviet						
Higher		33.2	39.3	48.3	48.7	{ 48.9
Incomplete higher		-	3.7	7.1		
Secondary		27.6	25.1	16.8	32.0	{ 16.6
Incomplete secondary		-	-	27.8		
Lower		39.1	31.9			16.4

Sources: Kravtsov, Verkhovnyi Sovet SSSR, p. 62; Zasedaniia Verkhovnogo Soveta SSSR, 1950-1958; Pravda, April 25, 1962.

still contains one-tenth in this category. Those with higher (i.e., university or equivalent) and incomplete higher education have constituted the largest single group since 1950.

They demonstrated a steady growth up to the Fourth Convocation, but their proportion fell back rather sharply in 1958, due probably to the somewhat larger influx than usual of workers

and peasants that year into the Supreme Soviet. The fraction of deputies with secondary education fell gradually up to 1954. Since then, it has apparently levelled off. The proportion of those with incomplete secondary and lower education combined, however, has shown an increase between 1954 and 1962. This gives the impression that the most recent trend is a filling-out of the proportions of "higher" and "incomplete secondary" categories at the expense of those in-between--"incomplete higher" and "secondary". If the general level of education in a country is rising, as it is in the USSR, one might expect that this would be reflected in the representative assembly by increases in the proportions of deputies with secondary and incomplete higher schooling. While the number of persons with higher education in the USSR has increased 12.4 times, that of "incomplete higher, secondary, and incomplete secondary" combined has risen 14.5 times.²⁰ In the Supreme Soviet this trend is reversed: the former has quadrupled; the latter has increased only thrice.

When the two chambers are compared with respect to education, it is seen that the Soviet of the Union had, until the Sixth Convocation, a larger proportion of deputies with a higher level of academic training. The Soviet of Nationalities has always had a greater proportion of deputies with only a primary education. On the whole, then, deputies in

the Soviet of the Union tend to be better educated than those in the other part of the Supreme Soviet. But if they are not so learned, the deputies in the Soviet of Nationalities are certainly younger (Table 17). A larger proportion of deputies in the Soviet of Nationalities has been under 40 than in the

TABLE 17

PERCENTAGE DISTRIBUTION OF SUPREME SOVIET
DEPUTIES BY AGE GROUPS: I-VI CONVOCATIONS

Age groups	Convocation						
	I	II	III	IV	V	VI	
Soviet of the Union							
30 and under	19.7	42	{	3.8	5.4	6.1	13.7
31 - 40	48.2			20.8	15.8	17.9	26.8
41 - 50	32.2	58	{	55.8	49.2	43.1	31.1
over 50				19.6	29.7	32.9	28.3
Soviet of Nationalities							
30 and under	30.0	50	{	9.2	11.3	9.5	15.5
31 - 40	47.6			29.2	23.0,	26.3	29.6
41 - 50	22.3	50	{	43.6	39.1	37.7	28.8
over 50				18.0	26.6	42.2	26.1
Supreme Soviet							
30 and under	24.8	45.8	{	6.5	8.2	7.7	14.5
31 - 40	47.9			24.8	19.2	21.8	28.1
41 - 50	27.3	{	{	41.3	49.8	44.4	40.6
over 50				14.3	18.0	20.8	30.0

Sources: Kh. Iu. Libman, Sovet Natsional'nostei, p. 43; Rigby, "Changing Composition of the Supreme Soviet," p. 309; N. Gradoboev, "Sostav Verkhovnogo Soveta SSSR 1954 goda," Vestnik Instituta po izucheniiu SSSR (Munich), No. 4, 1954, p. 62; Zasedaniia Verkhovnogo Soveta SSSR, 1950-1958; Pravda, April 25, 1962.

Soviet of the Union. Until 1958 there was, on the other hand, a tendency for the percentage of deputies over 40 to increase with each convocation. The trend was even more marked in the "over 50" class. An effort has apparently been made since then to rejuvenate the Supreme Soviet; in the Sixth Convocation there are fewer deputies in their forties and more in their twenties and thirties.

It is interesting at this point to contrast, with respect to age and education, the Soviet parliament with the "bourgeois" Canadian House of Commons. In Canada, MP's are better educated than their Soviet counterparts, but they are also considerably older.²¹ In the Twenty-sixth Parliament, nearly half (47.2 percent) of the members about whom such information is available are over fifty; only 18.5 percent are forty or younger. The corresponding figures for the Sixth Supreme Soviet are 27.3 and 42.6 percent. The proportions of MP's with specified levels of education are, unlike the Soviet assembly, progressively greater with each higher level. Two percent of Canadian members have only a primary education, 16 percent have high school, and 22 percent have some university training but no degree. The remainder, 60 percent, all have at least one earned university degree or have completed law school. The largest group in the Supreme Soviet is similarly the one in the "completed higher" class

(48.9 percent). Below this level, however, the distribution is irregular: primary, 10.5 percent; incomplete secondary, 20.2 percent; secondary, 16.6 percent; and incomplete higher, 3.9 percent.

The Soviets have observed an irritating--and revealing --lack of continuity in reporting the Supreme Soviet's class composition. According to their terminology, deputies are classed as "workers" or "peasants" or "intelligentsia" according to their origin, not their current status or employment. This means that in the records of the Mandates Commissions the figures for the first two classes are generally over-inflated. Even so, when this information is brought together, as in Table 18, it can disclose something about the Supreme Soviet. For example, it can easily be surmised that the declining trend in the percentage of workers and peasants was forcibly stemmed in 1958. But from the fact that there has been an increase in the proportion of intelligentsia within the Soviet of Nationalities, it is reasonable to assume that this class was also larger in the 1962 Supreme Soviet as a whole than it had been in 1958. This leads to the conclusion that the percentage of workers and peasants has again declined since the Fifth Convocation. Soviet reticence about mentioning the actual size of each class (apart from the intelligentsia just noted) offers strong support to such an

TABLE 18

PERCENTAGE DISTRIBUTION OF SUPREME SOVIET DEPUTIES BY
SOCIAL GROUPS (SOVIET CLASSIFICATION):
I-VI CONVOCATIONS

Social Groups	Convocation					
	I	II	III	IV	V	VI
Soviet of the Union						
All Workers	43.4	42.1	35.1	26.6		
engaged in production	8.1	8.2	20.2			25.2
All Peasants	22.8	22.1	18.1	16.1		
engaged in production	9.0	13.8	10.3			20.2
Workers and Peasants	66.3	64.2	53.2	42.7	63.0	
engaged in production	17.0	22.0	30.5		44.5	45.4
Intelligentsia	29.7	35.8	46.8	57.3	37.0	44.8
Soviet of Nationalities						
All Workers	38.0	34.1	28.2	20.3		
engaged in production	11.5	7.0	0.0			21.5
All Peasants	34.8	30.1	22.9	16.6		
engaged in production	17.4	18.7	1.1			22.5
Workers and Peasants	72.8	64.2	51.1	36.9	57.2	
engaged in production	28.9	25.7	1.1		44.8	44.0
Intelligentsia	27.2	35.8	48.9	63.1	42.8	
Supreme Soviet						
All Workers	40.7	38.2	31.8	23.6		
engaged in production	9.8	7.6	12.9			23.5
All Peasants	28.9	26.1	20.4	16.3		
engaged in production	13.2	16.2	5.9			21.3
Workers and Peasants	69.6	64.3	52.2	39.9	60.3	
engaged in production	23.0	23.8	27.4		44.7	44.8
Intelligentsia	28.4	35.8	47.8	60.1	39.7	

Source: Lepeshkin, et al., Kurs Sovetskogo gosudarstvennogo prava, II, 384; K.G. Fedorov, Souiznye organy vlasti (1922-1962), p. 106. This constitutes all of the information supplied on the subject of social classes by the Mandates Commissions.

inference. Since the death of Stalin an effort has been made to reduce the predominance of the intelligentsia in legislative assemblies. It is, in Soviet terms, the workers and peasants who are supposed to be governing themselves (with, of course, assistance from the intelligentsia). If the intelligentsia, even under the Soviet definition, cannot be held back from dominating the Supreme Soviet, then it might give credence to, say, the Chinese charge that this portion of society is emerging as a new ruling class. Such a picture of Soviet society is undesirable from the point of view of the authorities.

By studying the election records, Rigby computed the proportions of deputies in each class in the Third Supreme Soviet based on occupation rather than origin. The differences between his results and the Soviet figures are rather extreme (see Table 19). Refashioning the Mandates Commissions' statistics to fit the rigid Soviet trinity of social categories is not, however, a very fruitful avenue of academic pursuit. When all but one-tenth of deputies to the popular assembly of a complex, industrial society can be fitted into one class, it indicates that this appellation--"intelligentsia"--is rather less than adequate. A better approach is to analyse the Supreme Soviet in terms of the occupations of its personnel.

TABLE 19

PERCENTAGE DISTRIBUTION OF SUPREME SOVIET DEPUTIES
BY SOCIAL CLASSES (ACCORDING TO RIGBY AND TO
SOVIET SOURCES), 1950

Classes	Rigby	Soviet
Workers	9.0	31.8
Peasantry	2.6	20.4
Intelligentsia	88.4	47.8

Sources: Rigby, p. 314; Lepeshkin et al., II, 384.

A Russian émigré scholar, N. Gradoboev, has provided a more useful exposition of the Supreme Soviet by distributing its personnel according to what he considered the most significant kinds of occupations (Table 20). His six main categories included: workers in the State and Party apparatuses; those employed in the apparatus of terror²² (Ministry of Internal Affairs and Procuracy); military personnel; employees in transport and industry; agricultural workers; and representatives of the intelligentsia. The last group, notoriously amorphous in Soviet usage, was narrowed down by Gradoboev to embrace precisely the following: academicians, professors and scholars; directors of higher institutions of learning, research institutes and schools; teachers; poets, writers, musicians, painters and other artists; medical practitioners; and, finally, students.²³

TABLE 20

PERCENTAGE DISTRIBUTION OF SUPREME SOVIET DEPUTIES
BY TYPE OF OCCUPATION: I-IV CONVOCATIONS

	Convocation			
	I	II	III	IV
State and Party	41.5	44.3	43.9	40.4
Terror Apparatus (MVD, etc.)	6.0	3.7	3.0	1.8
Military	10.1	3.5	3.3	5.4
Industry and Transport	13.6	11.1	10.8	16.2
Agriculture	22.8	16.8	16.3	20.6
Intelligentsia	7.6	12.9	14.9	14.9

Source: N. Gradoboev, "Sostav Verkhovnogo Soveta SSSR 1954 goda," Vestnik Instituta po izucheniiu SSSR (Munich), No. 4, 1954, p. 61. The data for the Second Convocation are incomplete: information on 511 deputies was never published.

Adopting Gradoboev's classification and extending it to cover the current Supreme Soviet, one can discern certain general trends. (Compare Tables 20 and 21). The first of these is that 1954 marked a turning-point in the hitherto growing representation of Party, State and Intelligentsia after which their percentages have been declining. Industry and Agriculture, on the other hand, received less and less recognition until 1954, when their representation began to climb. The second observation to be made is that, since 1958 at any rate, more emphasis seems to have been placed on representing the highest and lowest strata of Soviet society

TABLE 21

PERCENTAGE DISTRIBUTION OF SUPREME SOVIET DEPUTIES
BY TYPE OF OCCUPATION: IV-VI CONVOCATIONS

	Convocations		
	IV	V	VI
State	21.1	17.9	18.6
Military	5.4	3.9	4.3
Party	21.1	18.6	17.7
Intelligentsia	14.9	9.4	9.3
Industry	16.2	21.0	23.1
Agriculture	20.6	29.2	26.6

Source: Gradoboev, pp. 59-60; Izvestiia, March 19, 1958; Vedomosti Verkhovnogo Soveta SSSR, No. 12, 1962. Representations of what Gradoboev would have called the "terror apparatus" have been included under employees of the State.

and less on those in the middle. This can be seen most readily in the detailed tabulation of occupations in Table 22. There it may be noted that the largest groups of representatives are from the various levels of government and the professional Party workers, both of which exemplify the upper reaches of society, and from the lower levels of industry and agriculture, which form the base of the social pyramid. Considerably smaller is the representation of the middle strata: engineers, factory managers, professional people and a host of others commonly termed "white collar" workers. One will search in vain, for instance, in the Supreme Soviet for rank

and file representations from the field of economic planning, commerce and trade, yet this category comprises nearly six percent of the labour force.²⁴ It is true that there are chairmen of Gosplans and of Sovnarkhozy in the Supreme Soviet. But there are no economists or others of this class of a lower rank than that.

TABLE 22

PERCENTAGE DISTRIBUTION OF SUPREME SOVIET DEPUTIES
BY OCCUPATIONS: IV-VI CONVOICATIONS

Occupations	Convoications		
	IV	V	VI
State			
USSR Government	4.0	2.6	3.9
Republican and lower governments	15.3	12.1	11.6
Public organizations	1.8	3.1	3.1
Military	5.4	3.9	4.3
Party			
CPSU central bodies	1.7	1.6	1.9
Republican Central Committees	3.3	3.9	7.8
Others (secretaries at lower levels)	16.1	13.2	8.0
Intelligentsia			
Professionals	11.3	7.9	7.6
Artists, writers, etc.	3.6	1.5	1.7
Industry			
Managers and engineers.	5.4	2.8	2.8
"Brigadiers"	3.5	2.0	4.3
Foremen		4.7	16.0
Workers	7.3	11.5	
Agriculture			
Farm chairmen and directors	9.1	11.6	8.6
Technicians and skilled workers.	5.2	4.5	3.5
"Brigadiers"	1.6	1.4	1.9
Labourers - male	4.7	1.4	2.5
- female		10.3	10.2

Source: Gradoboev, pp. 59-60; Izvestiia, March 19, 1958; Vedomosti Verkhovnogo Soveta SSSR, No. 12, 1962.

It is probable that, by showing a strong representation of very ordinary people in the Supreme Soviet alongside the extraordinary, Soviet authorities wish observers to make the inference automatically that elements of society from between these poles are also heavily represented. The two extremes of the spectrum are emphasized to give the idea that the spectrum itself is unbroken. This is a common Soviet technique; its use is especially noticeable in the economic sphere to give the impression of general expansion from a few particular examples.

The pattern of representation, especially in regard to occupations, fluctuates according to the preference of Soviet leaders. In examining such patterns one should not ask, "Who is elected?" but rather, "Who is chosen to be elected?" Official descriptions of the Supreme Soviet frequently boast that in that assembly are represented "the best sons and daughters of the Soviet Union." What can only be concluded from an analysis of the Supreme Soviet's composition is that at various times certain types of people have been chosen to represent the best elements in Soviet society and at different times others have been.²⁵ Its composition does not reflect the society so much as the values of the leaders. In the Fifth Supreme Soviet, for instance, presumably under the influence of Khrushchev, the representation of industrial and

agricultural workers was considerably increased over the previous convocation. At the same time there was not a single painter elected to the USSR Supreme Soviet that year. Obviously, factory and farm workers were in 1958 considered better "sons and daughters of the Soviet Union" than were the recalcitrant painters.

How well is Soviet society represented in the country's highest assembly? The answer to this question has to be in two parts. In the first place, the Supreme Soviet is not a mirror image of its society. To cite but one more indicator: the working population of the USSR is divided in the ratio of 1 to 4 between those engaged in mental and physical labour;²⁶ in the Supreme Soviet this ratio is 3 to 2. Representatives of government and Party are more prominent numerically in the Supreme Soviet than in Soviet society. But the Soviets are certainly more successful in representing the various groups in society in their chief assembly than are Westerners in their parliaments. The trouble is, however, that the former go to such lengths in ensuring the representation of specific groups that the Supreme Soviet becomes a showcase rather than a popular representative body.

Considerable pains, in particular, seem to be taken with regard to accommodating the ruling elite in the Supreme Soviet. That 83.4 percent of the CPSU Central Committee and

all of its Presidium are presently deputies in the assembly²⁷ is one indicator of the Supreme Soviet's importance. Another indicator that those who actually rule are represented in this body is given by the extent to which holders of specific offices in government and Party are elected as a matter of course to the Supreme Soviet. The following are a few examples. The chairmen of republican Supreme Soviets and of republican Councils of Ministers are always elected to the USSR Supreme Soviet. The first secretary of every oblast' and krai Party committee in the Russian Federation and Ukraine is a deputy to the Supreme Soviet; in the rest of the USSR, half of the oblast' first secretaries were elected in 1958 and again in 1962. The editors of such important publications as Pravda and Izvestiia are also Supreme Soviet deputies. It may be said from the foregoing that the Supreme Soviet ensures primarily the representation of the Soviet elite rather than the population as a whole.

NOTES

1. Kerimov, p. 45.
2. Rigby, p. 313.
3. Such a comparison must be regarded only as approximate, since it is not known what proper estimate of population was used in 1937 to calculate representation. This same caution must be observed elsewhere in the chapter, also, wherever population figures are not given for exactly the same year as that of a Supreme Soviet election. The USSR conducted a census in 1939 and again in 1959. An estimate of the 1963 population used herein was taken from Ukrains'ka Radians'ka Entsyklopediia (1963), XIII, 373.
4. Estonia, whose population has declined since 1959, is alone among this group of republics to have been overrepresented in the current convocation.
5. These commissions are more fastidious when it comes to reporting the number of decorated persons in the Supreme Soviet. See infra, pp. 67-68.
6. Kh. Iu. Libman, p. 44; Pravda, April 25, 1962.
7. Uroven' obrazovaniia. . . naseleniia SSSR. . ., pp. 10-12. The twelve largest nationalities make up nearly 90 percent of the entire Soviet population. Ibid., p. 10.
8. Libman, p. 44; Osnovy sovetskogo gosudarstvennogo prava i sovetskoe stroitel'stvo (Leningrad, 1961), p. 96.
9. This term designates those nationalities listed in Table 11.
10. Uroven' obrazovaniia. . . naseleniia SSSR. . ., p. 11.
11. Libman, p. 44.
12. Pravda, April 25, 1962.
13. The Political Quarterly, XXIV (1953), 308.
14. Ibid.
15. Izvestiia, March 19, 1958; Vedomosti, No. 12, 1962.

16. Rigby, p. 308.
17. Izvestiia, March 19, 1958, and Vedomosti, No. 12, 1962.
18. Pravda, April 25, 1962.
19. Itogi Vsesoiuznoi perepisi naseleniia 1959 goda: SSSR (Moscow, 1962), pp. 50 and 168. (Cited hereafter as Itogi.)
20. Ibid., p. 81.
21. Data presented here are taken from Pierre G. Normandin (ed.), The Canadian Parliamentary Guide 1965 (Ottawa, 1965), and are incomplete. The ages and education of 10 and 32 MP's, respectively, are not given.
22. This is Gradoboev's terminology.
23. "Sostav Verkhovnogo Soveta SSSR," Vestnik Instituta po izucheniiu SSSR (Munich), No. 4, 1954, p. 60.
24. Itogi, pp. 104, 161-65.
25. Rigby, p. 316.
26. Itogi, pp. 161 and 164.
27. "Leading Positions and Personalities in the Communist Party of the Soviet Union and the Soviet Government," Bulletin Institute for the Study of the USSR (Munich), March, 1965, Supplement.

CHAPTER IV

PROCEDURES AND NON-LEGISLATIVE ACTIVITY

In the British parliamentary practice, which has had so great an influence on American and Continental legislatures, procedure is looked upon as a kind of bulwark by which rights are protected from abuse. The Soviets, on the other hand, have a disdain for firm procedural commitments. The procedure of the Supreme Soviet is based mostly on that of the French Third Republic's National Assembly, but it has been appropriated in a random, somewhat unsystematic way and applied in an irregular manner. In some cases rules exist which govern nothing since the eventualities they are meant to regulate never occur. Other rules, both written and customary, are ignored without comment or explanation. The effect is that the word "activity" actually describes better the Supreme Soviet's practices than does "procedure," since the latter carries with it connotations about an attitude towards the parliamentary process that is absent in the USSR. Nevertheless, the term "procedures" will, for the sake of convenience, be used in this chapter, bearing in mind its dissimilarity from the British concept of "procedure."

There is no handy compendium which might present a comprehensive exposition of the Supreme Soviet's procedures. A few Soviet textbooks make some revealing generalizations on the subject. Others are content to describe what may happen in the Supreme Soviet without disclosing if it ever does. The actual reports of sessions are the main authority so far as procedure is concerned.¹ From these stenographic reports one may begin by distinguishing between "first" and "regular" sessions. The basis of this distinction is that the business carried on by the Supreme Soviet is different on these two occasions.

At a first session, the order of work is as follows. The chambers meet separately, organize themselves internally and adopt the agenda. On the following day they approve the reports of their Mandates Commissions and then meet together to elect the Presidium. At this first joint meeting the Supreme Soviet also accepts the resignation of the Government and appoints the Chairman of the Council of Ministers who is requested to submit a new Ministry for approval. This he does at the next sitting which is again held jointly.² His proposal is adopted and the Supreme Soviet then elects, when appropriate, the Supreme Court and Procurator-General. At this final sitting some of the Presidium's interim edicts are presented and approved. Having completed its business, the

session closes at this point. Apart from Presidium edicts and organizational matters, no legislation is generally passed at a first session.

A regular session usually begins with the chambers sitting separately.³ In this first sitting each house hears and approves the report of the Mandates Commission on the results of byelections and recalls. It also adopts the agenda. The next sitting, which takes place later in the same day, is conducted jointly. If it is the autumn session, the Gosplan Chairman and the Minister of Finance present their reports on the State Plan and Budget. The chambers subsequently meet in a series of separate sittings to "discuss" these reports. They then reassemble jointly on the last day of the session to adopt the appropriate Plan and Budget laws, and to approve the Presidium's interim edicts.⁴ If it is the spring session, the first joint sitting is addressed by a representative of an agency proposing a certain law. The chambers separate for discussions and then come together to approve that particular law. They sometimes hear another report, go into separate discussions, and combine once more to adopt still another law. At the final sitting the Supreme Soviet, as it does in the autumn session, approves the Presidium's decrees. With a view to saving time, discussions of laws sometimes takes place at joint sittings

immediately after the reports on them have been presented.

Whether or not to open discussion is decided by a vote. The "perfect clarity" of a question frequently results in a decision not to debate but to proceed to a vote on the proposal directly.⁵ If discussion is to take place, deputies register their desire to speak with the chairman. They are given the floor in the order of their registration and may address the Soviet in their native tongue.⁶ Non-deputies often appear in the discussions as well. Five have done so in the Sixth Convocation: the secretary of the All-Union Council of Trade Unions, two USSR Ministers, the deputy chairman of the USSR Council of National Economy, and one RSFSR Minister. Very rarely, an outsider is granted the privilege of addressing the Supreme Soviet, as did, for instance, President Tito of Yugoslavia in December, 1962. Such an address is delivered after the assembly's business has been concluded.

The practice of terminating debates "by decision of the chambers"⁷ obviates the formulation of elaborate rules governing their duration. Besides, as has been claimed so often, the Supreme Soviet is not a mere "debating society." It is in consonance with this idea that the Soviets prefer flexible regulation of their chief assembly's procedures on the basis of improvisation rather than the rigid stability concomitant with clearly-defined rules.

Such, in broad outlines, is the manner in which the Supreme Soviet carries on its work. The details of its procedures can be ascertained by examining a few typical sessions. The first, third and fourth sessions of the Sixth Convocation will serve well as illustrations.⁸

The First Session

The Sixth Supreme Soviet opened on April 23, 1962, at 4 o'clock in the afternoon, with the houses sitting separately. On their arrival "in the loges," members of the Party Presidium and Central Committee Secretariat were greeted with applause by the deputies. These dignitaries attended in the chamber to which they were elected.⁹ N.S. Khrushchev, then First Secretary of the CPSU and Chairman of the USSR Council of Ministers, was present in the Soviet of the Union,¹⁰ where the following took place. Appearing on behalf of the Council of Elders, P.N. Demichev (a Central Committee Secretary and first secretary of the Moscow City Party committee) introduced the senior deputy, Academician A.E. Arbuzov. Following a brief address, Arbuzov opened the session and conducted the election of the chamber's presidium, consisting of a chairman and four deputy chairmen.¹¹ (The chairman and one of his deputies were Central Committee members.¹²) Their candidacy, as usual, was proposed by the Council of Elders.¹³

With the chairman now presiding, the senior deputy stepped down and the floor was given to G.I. Kozlov. Appearing in the name of the Council of Elders, Kozlov proposed adoption of the Regulations. These set time limits on various categories of speeches and indicated the procedure to be followed for a deputy's inclusion on the list of speakers.

There are no Standing Orders for the Supreme Soviet. The Regulations (reglament zasedaniia), therefore, are considered and adopted anew at every first session. Since they vary little from one convocation to the next,¹⁴ those for the Soviet of Nationalities of the Fifth Supreme Soviet may be taken as typical.¹⁵ They provided that the chamber would sit from ten o'clock in the morning until 2 p.m. and from 4 until 8 in the evening. Deputies could speak on the agenda with the chairman's approval and in the order in which their requests for the floor were received.¹⁶ Those introducing major items of business, known as "reporters" (dokladchiki), could speak for one-and-one-half hours. They were given 30 minutes for concluding remarks. Co-reporters (sodokladchiki), who could be sponsored by a group of no fewer than fifty deputies, were given half an hour and fifteen minutes for speech and rebuttal, respectively. Individual speakers were to be given the floor for twenty minutes the first time and five minutes the second time they appeared. Any personal

observations or factual corrections had to be submitted in written form to the chairman who would announce them either at once or at the end of the sitting, depending on the importance of their content as judged by the chairman. Extraordinary questions, also written, would be announced immediately. (What these or the "personal observations" might be is not known, since no evidence of such items can be found in the records.) Five minutes were allowed for anyone speaking on a point of order; a deputy had three minutes in which to explain his vote.¹⁷ Having approved its own Regulations the house adopts those governing joint sittings which differ from the rules just described only in providing for alternation of the chairmen at such meetings. In all other respects the joint Regulations are the same as each chamber's,¹⁸ and all three sets of rules are considered, if not decided upon, beforehand by the Councils of Elders.¹⁹

When the Soviet of the Union had adopted the Regulations, G.I. Vorob'ev (Central Committee member) presented, with approval from the Council of Elders, the agenda and the session's order of work.²⁰ The "order of work" involved the matter of which questions on the agenda were to be considered at joint and which at separate sittings. Theoretically, any deputy's suggestions could be considered at this stage, voted on, and included in the agenda.²¹ As proposed by Vorob'ev

the agenda and order of work were approved.

Next came the election of commissions, whose size is supposedly determined according to need at each first session.²² A representative of a group of deputies (and member of the Central Committee) proposed the composition of each commission except Mandates, which was put forward in the name of the Council of Elders. All the proposers were members of the Central Committee of the CPSU. The chairman of each commission (a Central Committee member) was elected individually; the other members were voted on en bloc. At this point the sitting was completed. The meeting of the Soviet of Nationalities was identical to that of the Soviet of the Union and all voting was, as usual, unanimous.

In the life of the Supreme Soviet thus far voting has been "exclusively unanimous."²³ While there exists a provision for voting by roll call,²⁴ the prevailing practice is by raising hands openly to indicate that one is "for," "against," or "abstaining." The procedure for voting in a joint sitting is reasonably clear though it has not consistently been followed. When both houses are sitting together they vote consecutively, that one being first to which the chairman does not belong.²⁵ (Chairmen, it will be remembered, alternate in presiding over these combined meetings.) There have occurred, however, certain instances when it was considered expedient

for both houses to vote simultaneously as one body. In general, decrees (postanovleniia) are always approved in this way. Laws (zakony), on the other hand, are nearly always adopted by each chamber voting individually. Although there has always been a disparity in the chambers' respective membership, only a straight majority is required when voting is joint.²⁶

On the second day of the session, the Soviet of Nationalities met at 10 a.m. The Mandates Commission chairman presented his report which contained selected statistics on the chamber's composition. This was approved by the house. Then the Presidium secretary (from the preceding Convocation) introduced the edicts which required confirmation by the Supreme Soviet and these were likewise approved. The sitting ended and the Presidium secretary, M.P. Georgadze, proceeded to the Kremlin Theatre where the Soviet of the Union assembled itself at 11 o'clock. Following the Mandates Commission's report, Georgadze presented the same list of edicts for this chamber to approve. The Soviet of the Union confirmed the Presidium's edicts.

At 4 o'clock that same afternoon (April 24), the first joint sitting of the Supreme Soviet was held. G.I. Voronov (a member of the Central Committee Presidium) nominated, on behalf of the combined Party Group and the Councils of Elders,

the members of the Supreme Soviet Presidium. (This list customarily receives prior approval from the Central Committee.²⁷) The Presidium was elected unanimously. Then the presiding officer read the submission of N.S. Khrushchev announcing the collective resignation of the USSR Council of Ministers. The Supreme Soviet accepted this resignation. Party Secretary B.N. Ponomarev, on behalf of a group of deputies, promptly proposed that he (Khrushchev) be instructed to present to the Supreme Soviet a new slate of Ministers, that is, a new Government. Finally, the Foreign Minister, also a member of the Central Committee, reported to the assembly on the recent talks at Geneva. The sitting adjourned.

On April 25, the second and final joint sitting of the Supreme Soviet took place. It began with a "discussion" of Gromyko's report. Five of the eight speakers were members of the Central Committee. When they had finished their speeches, "the USSR Supreme Soviet unanimously approved the foreign policy of the Soviet Government."²⁸ After this, N.S. Khrushchev put forward his proposed list for the Council of Ministers. Having been approved beforehand by the Central Committee,²⁹ the slate was confirmed by the Supreme Soviet. There came next the matter of electing the USSR Supreme Court. The proposal on its composition was made on behalf of the Councils of Elders by N.N. Organov, a member of the CPSU Central

Committee. The final question on the agenda concerned the question of drafting a new Constitution. The main speaker was N.S. Khrushchev. Five other deputies appeared during the discussion period; all but one of these were members of the Central Committee. At last F.R. Kozlov, appearing in the name of the joint Party Group and the Councils of Elders, proposed that an appropriate commission be formed to prepare the new Fundamental Law. Such a commission was, indeed, approved by the Supreme Soviet and had at its head none other than the ubiquitous N.S. Khrushchev. At this point the Sixth Supreme Soviet concluded its first session.

The Regular Session

The third session of the Sixth Supreme Soviet, a typical autumn session, opened at 10 a.m., on December 16, 1963. It began with separate sittings presided over by each chamber's chairman.³⁰ The chairman declared the session open and gave the floor to the head of the Mandates Commission. This person reported the names, ages, Party affiliations, and occupations of deputies elected since the previous session. He requested the chamber to approve his commission's draft decree on these elections. This was done and the chairman announced that the following items had been proposed for the agenda: (1) the State Plan for 1964-1965, introduced by the Council of Ministers;

(2) the State Budget for 1964-1965 and the report on fulfillment of the 1962 Budget, also introduced by the Council of Ministers; and (3) interim edicts of the Presidium, introduced by the Presidium.³¹ A representative of the Council of Elders then proposed that the three items above be included in the agenda. He also proposed that the reports on (1), (2) and (3) be heard at joint sittings, that co-reports on the Budget and Plan be given at separate sittings, that discussions also take place separately, but that decisions on all three questions be taken at a joint sitting. In the absence of other proposals from the floor, this "order of work" was adopted and the sitting was concluded.

At eleven o'clock on the same day, the Supreme Soviet met in a joint sitting. It heard the report on the Plan given by the Chairman of Gosplan, and on the Budget by the Minister of Finance (both members of the Central Committee). Here the joint sitting ended and at 4:30 p.m., the chambers met separately to hear the co-reports of the Budget and Economic Commissions. Following these addresses the discussion on the Plan and Budget began. It continued through four more sittings. At the end of the session's third day, the Soviet of the Union's chairman announced in that chamber that "there is a proposal [motion] to terminate discussions on the questions being considered."³² The source of this motion was

not indicated, nor was notice of it given earlier in the day.

The chairman went on:

Out of 47 [he said] who had signed up to speak in the discussions, 36 persons have made addresses. Does anyone insist that the addresses be continued? (Voices from the floor: "No.")

Putting the matter to a vote, the chairman discovered that none of the deputies was in favour of continuing the discussion. This is indicative of the chairman's authoritative position in the Supreme Soviet and that assembly's docility. No matter how many or how few deputies have spoken in the "debates," they all hasten to agree when he "suggests" that speeches be terminated. One is reminded, by way of contrast, of the British Parliament's "the House can do as it likes." The Supreme Soviet does what it is told to do.

At its second joint sitting, on December 19, the Supreme Soviet settled down to passing the appropriate laws whose discussion had been ensuing in the previous days. Generally, at such a sitting the co-reporters (chairmen of the Budget and Economic Commissions) present the "concluding remarks," but on this occasion they declined to do so. In their place, the Chairman of Gosplan and the Minister of Finance delivered the closing addresses. Following each of their speeches voting took place first on the Plan and then on the Budget. This was followed by approval of the decree

on fulfillment of the 1962 Budget. As the final item of business, M.P. Georgadze outlined briefly the contents of those Presidium edicts being presented for confirmation by the Supreme Soviet. The houses voted on these one by one, although some edicts contained two or more Presidium enactments. On those edicts which were to be confirmed as zakony (laws) voting was by chambers; on those to be confirmed as postanovleniia (decrees) the Supreme Soviet voted as one body. The agenda having been exhausted, the chairman pronounced the third session of the Sixth Convocation closed.

The Fourth session of the current Supreme Soviet had all the usual features of a spring session. Apart from the fact that it did not meet until July, it lasted about the normal length of time and conducted an average amount of business. At separate initial sittings the chambers heard and approved the reports of their Mandates Commissions, and "confirmed" the agenda. The agenda consisted of two items, the latter of which was the confirmation of the Presidium edicts. The first item on the agenda consisted of two proposed social welfare measures. One concerned pensions and allowances for collective farmers; the other dealt with increasing the wages of certain classes of workers. At the first joint sitting, N.S. Khrushchev addressed the assembly on the first topic of the agenda. His report, titled "On Measures for Fulfilling

the CPSU Program in the Area of Increasing the Well-being of the People," was delivered in the name of the Central Committee and the Council of Ministers. There followed two days of "discussions" held in separate sittings. Co-reports were given in each house by the chairmen of the Legislative Proposals Commissions. The "discussions" were dominated by the speeches of Central Committee members: while they constituted only slightly more than 18 percent of the deputies, they comprised 33 percent of the speakers. In the Soviet of the Union, half of the addresses were given by members of the Central Committee.

At the second joint sitting of the fourth session were heard the concluding remarks on topic one of the agenda given by N.S. Khrushchev. Following this address, the Supreme Soviet (1) elected a temporary commission to make proposals on the means of establishing a pension fund for collective farmers, and (2) adopted the two laws that had been discussed, one on pensions, the other on wages. The floor was then given again to N.S. Khrushchev, who proposed, in the name of the Central Committee, that A.I. Mikoyan be elected to the post of Presidium Chairman. After Mikoyan's election came the confirmation of Presidium edicts and an announcement by the presiding officer concerning the death of an eminent deputy, O.V. Kuusinen. As all the questions on the agenda

had been dealt with, the chairman closed the session.

The Supreme Soviet's most important non-legislative function is the exercising of "control" over the bodies subordinate to it. This role, which requires assuring that those bodies are fulfilling the law, is realized in three ways:

(1) by deputies' inquiries, (2) by the hearing of governmental reports, and (3) by the formation of investigative commissions.³⁴ The vacuity of the concept of "control," however,

is only too well illustrated by a look at the practical application of these measures. Even though the Constitution itself provides that the Supreme Soviet may appoint "commissions of investigation and audit on any matter" empowered to demand and receive from anyone "all necessary materials and documents,"³⁵ no such commissions have ever been formed.³⁶

Ministers, government officials and its own Presidium are said to be subject to "control" by the Supreme Soviet when that body "listens to"³⁷ their reports. The predictability of their unanimous acceptance by the people's representatives is sufficient indication that these reports are not submissions to a superior but dictations to a docile inferior. The government's foreign policy, for example, is generally a subject for "discussion" on those occasions when the government chooses to submit such a report on itself. As recently as May, 1960, however, a report of this type was unanimously

approved without having been "discussed" at all.³⁸ On occasions when "criticism" of ministers has ensued it has been of a type censuring officials for not committing the toiling people to greater production goals which, incidentally, neither the officials nor the critical deputies will themselves have to fulfill.³⁹

Some use is made of the deputy's inquiry. A deputy may question a member of the government who is obliged, under the Constitution, to reply within three days.⁴⁰ Soviet authorities agree that the inquiry may be addressed to any organ of government in the person of its representative,⁴¹ and may concern any matter within that organ's competence, not limited to the day's agenda.⁴² "All inquiries are announced in both chambers at joint or separate sittings inasmuch as the inquiry and its reply should be a subject of attention for all USSR Supreme Soviet deputies even in those cases where the inquiry originates with the deputies of only one of the houses."⁴³ A discussion, followed by an appropriate resolution, may be decided upon in the Supreme Soviet on the ministerial reply.⁴⁴ Inquiries, submitted in writing by the deputies (generally groups of deputies), have always been replied to orally in joint sittings.⁴⁵ They have been concerned with the relatively innocuous area of foreign affairs,⁴⁶ --a topic which allows Foreign Ministers to reassure the deputies and

the outside world of the Soviet Union's peace-loving nature. Deputies' inquiries have never been directed into the sphere of internal policy nor have they been launched between sessions at government departments. M.G. Kirichenko, a student of Soviet constitutional law, is of the opinion that the deputy's right of inquiry does not exist outside the Supreme Soviet in session.⁴⁷

No deputies' inquiries (zaproxy) have been recorded since December, 1958. At that time the Foreign Minister replied to the questions "of some deputies" concerning the cessation of atomic and nuclear weapons testing. It was not revealed who originated these questions or what form they took. They were not recorded on the agenda, although Gromyko, in addressing the assembly, referred to them as "the questions which are known to you. . . ."

Another "control" function of the Supreme Soviet is its task under the Constitution to ensure that republican constitutions coincide with that of the Union. Whenever amendments are introduced to the USSR Constitution it must see to it that those of the union republics are changed accordingly.⁴⁸ It must also ensure that the USSR Constitution itself is observed. How it carries out this form of "control," if it ever does, is not known.

The matter of the size of a quorum in the Supreme

Soviet is apparently left to the deputies themselves to decide from time to time.⁴⁹ Only when amendment of the Constitution is contemplated is a definite proportion--two-thirds in each house--of deputies required. The mustering of a quorum has never been a problem in practice, however, since nearly all of the deputies usually attend,⁵⁰ and in any case never have fewer than three-quarters of them appeared at a sitting.⁵¹

In the procedures of the Supreme Soviet one can see clearly the ambiguity of the Soviet attitude. There is a desire to appear respectable, or at least to have the trappings of parliamentary democracy. For this purpose some parliamentary procedures are necessary. But at the same time there is an effort to show that the Supreme Soviet can make popularly-supported decisions without interminable parliamentary debates. So the solution seems to be to have parliamentary procedures like those in Continental Europe, but also to have the proceedings firmly in the hands of the Central Committee. This latter is achieved by having more than four-fifths of that body as Supreme Soviet deputies and having them dominating every aspect of the assembly's activity.

NOTES

1. Generalizations about Supreme Soviet practices in this chapter, unless otherwise indicated, are made on the basis of Zasedaniia Verkhovnogo Soveta SSSR, 1938-1961.
2. This procedure, under which a prime minister is designated and entrusted with the task of forming a cabinet, is like the French. Cf. Herman Finer, Theory and Practice of Modern Government (rev. ed.; New York, 1949), p. 638.
3. Two sessions (in 1945 and 1946) have begun with a joint sitting and continued separately thereafter. Five other sessions have been conducted completely in joint sittings, the latest having been the "Jubilee Session" of November, 1957.
4. Until 1958, however, it was a common practice for these laws and decrees to be adopted at separate sittings.
5. Sheremet and Barabashev, p. 132.
6. Ibid., p. 133. But there is no evidence that anyone has ever spoken in a language other than Russian. Incidentally, a deputy may, with the house secretary's permission, subsequently correct the stenographic report of his speech. Whether or not he may submit the text of his speech to the chairman if unable to deliver it himself is apparently not specified in the Regulations. Fedorov, p. 145.
7. Sheremet and Barabshev, p. 133.
8. The factual data on these sessions are taken from Izvestiia, April 24-26, 1962; Zasedaniia Verkhovnogo Soveta SSSR shestogo sozyva: tret'ia sessiia (16-19 dekabria 1963g.): stenograficheskii otchet ([Moscow], 1964); and Pravda, July 14-16, 1964, respectively.
9. They also attended joint sittings where they similarly sat "in the loges."
10. By an uncanny coincidence, it was N.S. Khrushchev who spoke the very first words in the Soviet of the Union twenty-four years earlier when he introduced the senior deputy.
11. The practice of having one of the oldest deputies open the first session dates back to 1938 and resembles that of the French Assembly. Finer, Governments of Greater European Powers, p. 380.

12. In the presidium of the Council of Nationalities, only one deputy chairman was not a Central Committee member..
13. Kravtsov, p. 42.
14. Sheremet and Barabashev, p. 126.
15. Except where otherwise indicated, the summary following is derived from Kirichenko, Verkhovnyi Sovet SSSR, pp. 57-58. The Regulations of the Soviet of the Union of the First Supreme Soviet were identical. Cf. Sheremet and Barabashev, p. 127n. The rules for the Sixth Supreme Soviet were, at the time of writing this paper, unavailable.
16. Osnovy Sovetskogo gosudarstvennogo stroitel'stva i prava, p. 181.
17. Compare the French practice, where "on some bills and procedural matters, the Assembly allows Deputies the extra right to explain why they voted the way they did; these are speeches of five minutes or less duration." Finer, Governments of Greater European Powers, p. 387.
18. Sheremet and Barabashev, p. 127, and Kravtsov, p. 41. Sheremet and Barabashev state (p. 127n) that the sole occasion when joint rules were adopted at a common sitting occurred at the First Convocation. The point is of no significance, however, since such rules are always the same for a particular convocation whether approved by the chambers together or separately.
19. Fedorov, p. 114.
20. Cf. Finer's description of the French practice (Governments of Greater European Powers, p. 382):

"The agenda is fixed, not by the Government, but by a kind of committee of the Assembly. This is the President's Conference. It is composed of the President, the six Vice Presidents of the Assembly, the chairmen of the commissions, numbering twenty, and the chairmen of all political groups containing at least fourteen members."
21. Kravtsov, p. 41, and Sheremet and Barabashev, p. 131. No record can be found of an individual deputy making such a contribution to the agenda.
22. Kirichenko, p. 64.

23. Osnovy Sovetskogo gosudarstvennogo stroitel'stva i prava, p. 182.
24. Kirichenko, pp. 60-61. The roll call vote may be employed when the Supreme Soviet is electing its "subordinate organs," but voting on proposed laws, according to Lepeshkin et al. (II, 399), is always customarily by the raising of hands.
25. Fedorov, p. 108.
26. Sheremet and Barabashev, p. 134.
27. Kirichenko, p. 60.
28. Izvestiia, April 26, 1962.
29. Ibid.
30. At subsequent sittings a deputy chairman would sometimes act as presiding officer even though the chairman himself was present.
31. This was the first time the Budget and Plan were projected for two years ahead. Usually they are submitted and approved only for the following year. In December, 1964, the Supreme Soviet approved the Budget and Plan for 1965.
32. Zasedaniia Verkhovnogo Soveta SSSR (16-19 dekabria 1963g.), p. 484.
33. Ibid. In the Soviet of Nationalities, 37 out of 42 on the speakers' list managed to speak. There, too, "a suggestion" terminated the discussion. Ibid., p. 519.
34. Lepeshkin et al., II, 420-21.
35. Art. 51. Curiously enough, while the Constitution makes specific reference to these hypothetical commissions it fails even to mention any of the existing standing commissions with the exception of Mandates Commissions.
36. Juviler, p. 417.
37. Sheremet and Barabashev, p. 135. Cf. the statements in Osnovy Sovetskogo gosudarstvennogo stroitel'stva i prava, p. 194; Lepeshkin et al., II, 420, and Kravtsov, pp. 57-58.

38. Lepeshkin et al., II, 420n.
39. See the summary of such "criticism" in Kerimov, pp. 76-77.
40. Art. 71.
41. Kirichenko, p. 39, and D.N. Bakhrakh, "O deputatskom zaprose," SGP, No. 9, 1960, p. 102.
42. Bakhrakh, p. 102.
43. Kirichenko, p. 39.
44. Ibid., pp. 39-40.
45. Sheremet and Barabashev, p. 136; Bakhrakh, pp. 102-103, and Fedorov, p. 145.
46. Sheremet and Barabashev, p. 136; Scott, p. 104, and Fedorov, p. 145. See also the example cited in Osnovy Sovetskogo gosudarstvennogo stroitel'stva i prava, p. 187.
47. Kirichenko, p. 38.
48. Kravtsov, p. 57, and Osnovy Sovetskogo gosudarstvennogo stroitel'stva i prava, p. 193.
49. Fedorov, p. 110. One Soviet text claims incorrectly that the Constitution defines a quorum as "not fewer than half the deputies of each chamber" (Osnovy Sovetskogo gosudarstvennogo stroitel'stva i prava, p. 181). While the Constitution does speak of majorities required for the passage of laws, it makes no mention of a quorum.
50. Osnovy Sovetskogo gosudarstvennogo stroitel'stva i prava, p. 180.
51. Kirichenko, p. 59.

CHAPTER V

LEGISLATIVE ACTIVITY

Soviet law as it applies to the whole Union of Soviet Socialist Republics consists of the following types of acts: (1) the Constitution, which is the Soviet Union's "fundamental law"; (2) acts of the Supreme Soviet, which consist, primarily, of laws, decrees, and internal acts; (3) edicts of the Supreme Soviet Presidium; and (4) decrees and ordinances of the Council of Ministers. The above categories¹ are arranged in descending order of importance with the lower types depending on the higher for their authority. The Constitution itself is supposedly the basis for all other legislation, but acts and legislative practices frequently come into being with no foundation in that Fundamental Law. When the post-Stalin thaw was at its peak in the late 'fifties strong demands were made by jurists to bring the Constitution into line with practice. To date only some of the suggestions have been implemented.

It must be noted that the Supreme Soviet is not the only body empowered to issue All-Union legislation. The Presidium and Council of Ministers can also pass such acts;

these in reality far surpass the Supreme Soviet's legislative output. In spite of being over-shadowed in law-making activity by these other bodies, the Supreme Soviet is nevertheless looked upon as the "highest organ of state power" and its enactments are considered "exclusive" in the legislative field. This exclusiveness rests mainly on that body's power to issue "laws" (zakony), which may be passed, amended and revoked only by the Supreme Soviet.² Such laws may be enactments elaborated by the Supreme Soviet or they may be already-existing edicts of the Presidium "confirmed" and thereby elevated to the status of "laws." In a recent comprehensive textbook³ laws are divided into constitutional ones and those adopted in the course of regular legislation. The latter group is subdivided into organic, economic and ordinary laws. Laws not included in the other two classes are termed ordinary laws. Economic laws are those concerned with state budgets and plans. Organic laws are those bringing about changes in governmental bodies on the basis of constitutional provision, as, for example, in the judicial system.

Although the Constitution mentions only laws, the Supreme Soviet also issues decrees and other acts. Decrees (postanovleniia), because they are based on laws, are said to be a type of enactment inferior to them. Under a measure to clarify their form and content taken by the Supreme Soviet

only in 1954, decrees are concerned with "state administration and control", that is, with governmental appointments.⁴ These decrees are "as a rule"⁵ adopted at joint sittings. Most of them are decrees confirming the intersessional edicts of the Presidium.⁶ Another category of Supreme Soviet legislation consists largely of declaratory pronouncements for foreign and domestic consumption, described by Lepeshkin as "decisions . . . on external political problems, commonly adopted in the form of Declarations, Appeals, Statements and Messages."⁷ Finally, the norms established to regulate the Supreme Soviet's internal organization (vnutriorganizatsionnye akty) may be regarded as still another type of legislation by that body.⁸

The authority to issue edicts (ukazy) is granted to the Presidium under Article 49(b) of the Constitution. Presumably, since no clarification is found there or anywhere else, these acts deal with the same subjects as do those of the Supreme Soviet. The only recognized limitation is that they must be based on the Constitution and correspond to already-established laws.⁹ It is claimed that "many of [these edicts] have to be approved by the Supreme Soviet. . . ."¹⁰ The only statutory provision, however, for such approval appears to be in cases where the Presidium makes personnel changes in the Council of Ministers between sessions

of the Supreme Soviet.¹¹

"Within the limits of its powers"¹² the Council of Ministers issues, on the basis of laws and in execution of Presidium edicts, its own decrees (postanovleniia) and ordinances (rasporiazheniia).¹³ These may be annulled by the Presidium if they "do not conform to law."¹⁴ They are not, however, submitted to either of the two higher bodies for approval even though the Council of Ministers is formally responsible to the Supreme Soviet. A large proportion of such decrees is promulgated jointly by the Council of Ministers and the CPSU Central Committee, particularly where "especially important questions of economic and socio-cultural development"¹⁵ are concerned. The Party thus arrogates to itself most of the central legislative activity and assigns to the care of the Supreme Soviet such acts as will produce suitably popular reading in the pages of Izvestiia. Nevertheless, pains are taken to enhance the Supreme Soviet's role as a vehicle of public participation in the law-making process. Part of this effort at enhancement can be seen in the elaboration of distinct stages for passing an act through the Supreme Soviet. Based on tradition, these include: (1) legislative initiative; (2) consideration of the draft law; (3) confirmation, and (4) publication.¹⁶ None are regulated by rules except the final stage, but even it is subject to the whims of

the central leadership. Furthermore, all of these stages, though intended to offer a variety of points of access for popular opinion and scrutiny, are considerably circumscribed, as will be shown below.

Legislative Initiative

Soviet usage of the term "legislative initiative" is misleading. While a good many governmental and public bodies are said to enjoy the right of initiating legislation, this right consists in practice only in being allowed to introduce legislation into the Supreme Soviet.¹⁷ The actual "initiative" --in the sense of originating and elaborating (in the form of a draft) an idea for a bill--comes from elsewhere: the high command of the Party. In addition, the Central Committee reserves for itself the introduction of "the most important"¹⁸ pieces of legislation.

In the limited sense, then, the right of legislative initiative is constitutionally bestowed on: the Supreme Soviet and its chambers, commissions and Presidium; individual deputies; and the Council of Ministers of the USSR.¹⁹ The USSR Supreme Court, under Article 1 of its Statute, is also granted this right.²⁰ The USSR Procurator-General may initiate certain types of legislation, but this must be submitted to the Presidium rather than directly to the Supreme

Soviet.²¹ On the basis of practice, it must be assumed that the Councils of Elders have the right to introduce bills-- their submissions comprise about one-fifth of the total considered by the Supreme Soviet. The Supreme Soviets of union republics have on two occasions²² submitted legislation to the USSR Supreme Soviet and have thereby created a recognized precedent.²³ The 1961 Party Program proposed extending the right of legislative initiative to the central bodies of such public organizations as the trade unions and the Komsomol (Young Communist League).

TABLE 23

INITIATORS OF LEGISLATION IN THE SUPREME
SOVIET: 1938-1960

Body	Number of pieces of legislation "initiated"
House Chairmen	2
Commissions	15
Individual deputies	4
Councils of Elders	29
Presidium	27
Council of Ministers	49
Council of Ministers and CPSU Central Committee	9
Union republics	<u>6</u>
Total	141

Source: Lepeshkin et al., II, 411.

The results of the study of the effect of the concentration of the solution on the rate of the reaction are shown in Table I. It is seen from the table that the rate of the reaction increases with increasing concentration of the solution. The increase in the rate of the reaction is more pronounced at higher concentrations of the solution. The results of the study of the effect of the temperature on the rate of the reaction are shown in Table II. It is seen from the table that the rate of the reaction increases with increasing temperature. The increase in the rate of the reaction is more pronounced at higher temperatures. The results of the study of the effect of the catalyst on the rate of the reaction are shown in Table III. It is seen from the table that the rate of the reaction increases with increasing concentration of the catalyst. The increase in the rate of the reaction is more pronounced at higher concentrations of the catalyst.

Table I

Effect of the concentration of the solution on the rate of the reaction

Concentration of the solution, g/l	Rate of the reaction, g/h
10	0.12
20	0.24
30	0.36
40	0.48
50	0.60
60	0.72
70	0.84
80	0.96
90	1.08
100	1.20

There is considerable variation in exercising the right of legislative initiative among the several entities entitled to do so (see Table 23). The Supreme Court has never initiated any enactments.²⁴ Meanwhile, more than half of all legislation is introduced by the Presidium and the Council of Ministers; these, plus the Councils of Elders, are responsible for three-quarters of the bills brought before the Supreme Soviet. Only token contributions have been made by each of the remaining "initiators of legislation." The largest of these has been that of the commissions, which presented fifteen draft laws between 1938 and 1960 to their parent body.²⁵ The Chairmen of the chambers have introduced only two draft laws; presumably the Councils of Elders have taken over from them exercising legislative initiative on behalf of the Supreme Soviet. No more than about five bills have been brought into the legislature by individual deputies²⁶ in spite of frequent Soviet genuflections in the direction of this much-extolled right.²⁷

One of the myths given wide publicity in the USSR is that the Party does not and must not supplant the regular governmental bodies, the Soviets, in decision-making. This explains Soviet reticence concerning the Party's real role in initiating legislation. In particular, it explains their failure ever to mention that the Central Committee--a non-

governmental body--has on occasion introduced draft laws into the Supreme Soviet directly, openly bypassing the Council of Ministers.²⁸ On the basis of such a precedent it would appear that the Central Committee, like the bodies mentioned above, also has the right of "legislative initiative." It is, of course, acknowledged that the Party is the sole policy-making body. But while most Soviet sources have tended to understatement regarding the Party's role, one at least has given us a revealing glimpse into the real essence of "legislative initiative": "The most important and complex problems of state life (for example, perspective plans for the development of the economy and culture, proposals for perfecting the state guidance of economic and cultural construction, etc.), before becoming a subject of the legislative process, are considered in the leading party organs (at Congresses, in the CPSU Central Committee, etc.)"²⁹ The same author adds that "Party decisions on these questions serve as the basis of laws and other governmental acts."³⁰ What these moderate statements mean is that Party decisions are more than bases for legislation. They are in effect the actual drafts of legislation and are apparently transmitted to other bodies when appropriate for "initiation."

Having received from an "initiator" of legislation a draft law for consideration, the Supreme Soviet may decide to

include it immediately into the agenda. Otherwise the bill may be sent to be reported on by the standing commissions or to be elaborated further by a specially-formed editorial commission. In certain instances examination of a law is postponed until the next session.³¹ Such, at any rate, is the theory. In practice, it is in the form of a proposal for a draft law that a bill is ever sent to a commission. This happens very rarely and the commission very quickly produces a draft.³² An already-drafted law is always placed directly on the agenda and is never thereafter sent back to the commissions.

Bills "initiated" in the commissions generally become the subject of nation-wide discussion, either popular or specialized, depending on content. All six of the "legislative fundamentals" and "laws," for instance, introduced by the Legislative Proposals Commissions in the Fifth Supreme Soviet were given this treatment. Such a process allows social organizations to make representations to the commissions, gives deputies an opportunity to explain personally the content of the proposed law, and permits a certain sounding of public opinion through the publication of citizens' letters in the press. It facilitates subsequent implementation of the law by giving an appearance of having incorporated a broad range of interests and opinions into the legislation.

Consideration of the Draft Law

There are no established rules for the consideration of draft laws. Traditionally, the Supreme Soviet examines bills under what are known as customary and simplified procedures.³³ Having received in advance the text of a law,³⁴ the deputies decide in each specific instance which order of examination is to be followed. The customary order entails hearing the report and co-report, discussing the bill, and hearing the concluding remarks of the speaker and co-reporter. In the simplified procedure only the report is presented, no discussion takes place and the bill advances to the voting stage. Most draft laws are considered under the customary procedure while nearly all Presidium edicts pass through in the simplified order.³⁵ It must be noted that not all edicts are presented to the Supreme Soviet for confirmation. The Presidium itself apparently decides which edicts are, by this "confirmation," to be given the higher status of "laws." It is said to submit to the Supreme Soviet only those edicts which create new All-Union bodies, appoint or release ministers, and otherwise deal with "the most important problems of political, economic and cultural life in the USSR."³⁶ In this way, it is claimed, the superior body exercises control over its subordinate.³⁷ In 1964, out of 74 edicts issued by the Presidium, 15 were confirmed by the Supreme Soviet.

TABLE 24

LEGISLATIVE ACTIVITY OF THE USSR SUPREME SOVIET:
1938-1964

A. Laws (zakony) passed by Supreme Soviet.

Convocation	Adopted directly by Supreme Soviet	Confirming edicts of Presidium	Total
I	29	21	50
II	9	14	23
III	10	3	13
IV	24	32	56
V	27	52	79
VI	<u>8</u>	<u>25</u>	<u>33</u>
Totals	107	147	254

B. Decrees (postanovleniia) passed by Supreme Soviet.

Convocation	Adopted directly by Supreme Soviet	Confirming edicts of Presidium	Total
I	11	26	37
II	17	18	35
III.	12	29	41
IV	20	39	59
V	32	16	48
VI	<u>23</u>	<u>17</u>	<u>40</u>
Totals	115	145	260

Sources: Lepeshkin, et al., II, 418, 429; A. Kh. Makhnenko, "Povyshenie roli i sovershenstvovanie deiatel'nosti postoiannykh kommissii Verkhovnykh Sovetov v oblasti podgotovki zakonoproektov," SGT, No. 8, 1964, p. 57; M.G. Kirichenko, Verkhovnyi Sovet SSSR (Moscow, 1962), p. 40; SGP, No. 3, 1962, p. 3; and Vedomosti, 1961-1964.

The substantial proportion of the Supreme Soviet's legislative output which is made up by Presidium edicts can be seen in Table 24.

Discussion of a draft law generally takes place in separate sittings of the two houses.³⁸ There is only one "reading" of a bill and discussion always takes place immediately after it, if the deputies discern a need for such discussion. Care is taken that nearly every republic or nationality is represented in the "debate"; when time is short, deputies of different republics speak in each house thus allowing representation while preventing duplication. Speeches are prepared in advance and read from the speaker's rostrum.³⁹ Most of the deputies selected to present speeches, as can be seen from Table 25, are Party and state officials. No one ever speaks in the discussions more than once in a session, but a few deputies do so (no more than twice) in the course of a convocation. During these discussions amendments are sometimes introduced.⁴⁰ These are examined and may be incorporated into the bill under consideration following the proposers' concluding remarks.⁴¹

TABLE 25

PERCENTAGE OF DEPUTIES SPEAKING IN THE SIXTH
SUPREME SOVIET, BY OCCUPATIONS^a

Occupations	Sessions				
	1	2	3	4	5
State officials ^b	23.1	56.0	42.5	33.4	43.3
Party officials	30.8	18.7	23.3	21.1	25.4
Intelligentsia	23.1	4.0	8.2	15.8	4.5
Industry	15.4	10.7	13.7	-	16.4
Agriculture					
Farm chairmen	7.7	6.7	6.8	22.8	6.0
Others	-	2.7	4.1	3.5	4.5
Non-deputies	-	1.3	1.4	3.5	-

^aSources: Pravda and Izvestiia, 1962-1964; Zasedaniia, 1963; and Vedomosti, No. 12, 1962.

^bIncludes officials of public organizations.

Confirmation of the Draft Law

Confirmation or approval of a draft law is the third traditional step in Soviet legislative procedure. Voting sometimes takes place at separate sittings, and when the houses sit together each is supposed to vote in turn. However, the practice has not been consistently followed; on four occasions the entire Supreme Soviet has voted on laws as a single body.⁴² The latter procedure, presumably reserved for the approval of decrees (postanovleniia), is apparently a

means of distinguishing that kind of enactment from the higher type, namely the law (zakon).⁴³ The chambers may decide whether to approve a law in toto, by sections or by paragraphs. As a rule, only the state budget law is ever examined and confirmed in detail; all other laws are simply approved in their entirety.⁴⁴

Publication of Laws

The Supreme Soviet waited twenty years before adopting an act concerning the publication of its own laws and the edicts of the Presidium.⁴⁵ Some prescribed form of promulgation, after all, is necessary if laws are to be considered legally in effect. Before 1958, only a small percentage of legislation was ever published. Berman estimates that

of the more than 7,000 laws of the Supreme Soviet enacted between 1937 and 1958, only some hundreds were published. . . . The rest were merely distributed to the appropriate officials concerned with their enforcement and to other authorized persons.⁴⁶

The present law, passed in 1958, merely crystallizes this practice. It provides that all acts of the Supreme Soviet must be published in the official gazette, Vedomosti Verkhov-nogo Soveta SSSR, within a week of being adopted. This applies equally to edicts and decrees of the Presidium excepting "those which have no general importance or bear no normative character. . . ." These latter are sent directly to the officials

responsible for carrying them out and are effective on receipt. The more important kinds of laws are published in the newspaper Izvestiia.⁴⁷ Unless otherwise provided therein, a published act comes into effect ten days after its appearance in the Vedomosti or Izvestiia. All other legislation not of a normative character becomes effective from the moment it is adopted if no specific date is given. Publication is the responsibility of the Presidium; it is empowered to use its discretion as to which of its edicts and decrees will be published. Union republican Presidia are expected to reproduce in their official languages the acts which appear in the Vedomosti within ten days of their approval.⁴⁸

Even under the new regulation, however, the situation with regard to the promulgation of legal enactments is still far from ideal. On August 28, 1964, for example, a decree rehabilitating the Volga Germans was adopted. This was not published until four months later.⁴⁹ Legality once again had to take a back seat to expediency: the termination of the delay appears to have been timed to help improve Soviet-German relations.⁵⁰

In the economic sphere the Supreme Soviet's history has been a notably checkered one. For a long time it used to "confirm" the state budget--often long after the fiscal year had begun--without approving, or having the power to approve,

the Plan on which the budget was based. Considering that both Plan and state budget are laws in the USSR, this was certainly a strange practice.

Of the long-range or "perspective" plans, the Supreme Soviet "confirmed" only the Fourth (1946-1950) Five Year Plan.⁵¹ In 1957 the practice was begun of allowing it to "confirm" the short-range, annual plan along with the budget.⁵² Until then the annual plan had been an exclusive responsibility of the Council of Ministers. Since the budget has to correspond to the plan, over which the Supreme Soviet has no control, no deviations from the plan are ever introduced while discussing the budget. A commentator in the journal Sovetskoe gosudarstvo i pravo understated the case when he said: "Its [the Supreme Soviet's] amendments are of a minor nature which do not require changing the plan."⁵³

Between 1945 and 1954, annual budgets were often produced with considerable delays. Thus the Supreme Soviet did not examine the 1946 budget until October of that year; in 1950, not until June; and in 1953, in August.⁵⁴ Not until 1955 was the budget approved before the fiscal year began.⁵⁵ Since then the practice has been reasonably regular even though, oddly enough, the 1959 law currently in effect here does not stipulate when in the year the Supreme Soviet must confirm the budget.⁵⁶ Another feature of this present law⁵⁷

on the budgetary rights of the USSR is that under it union-republican budgets are adopted on the basis of the USSR budget. The previous decree, dating from 1927, provided for confirmation of republican budgets before that of the USSR.⁵⁸

For preliminary examination a budget is sent to the budgetary commissions before being presented in the Supreme Soviet. When it reaches the Supreme Soviet it is supposed to be examined (by the legislature as a whole!) insofar as revenues and expenditures "in general" are concerned and in the light of proposals submitted thereon by the commissions. The debate on the budget consists of speeches containing "reasons why more provision should be made for particular purposes of interest to [deputies'] own republics or regions, but never any manner in which this increase might be provided to the detriment of other areas."⁵⁹

Examining and "confirming" the annual report on the fulfillment of the state budget was added to the Supreme Soviet's functions in February, 1947.⁶⁰ This was to have been undertaken yearly, but in 1947, 1951 and 1954 such reports were not considered at all. In June 1950, the reports for the two preceding years were confirmed together, while those for 1951 and 1952 were similarly treated in August 1953.⁶¹ The hearing and confirming unanimously of these reports is meant to be a form of "control" exercised by the Supreme Soviet over the

Ministry of Finance.⁶² There appear to have been neither instances where such reports have not been approved nor cases of individuals called to answer for violations revealed therein.⁶³ The practice in confirming reports on the budget's fulfillment has been to append an article expressing approval to the report itself rather than to elaborate a separate act. At least one Soviet scholar has appealed for establishment of the latter method and for examination of reports in detail rather than in general as hitherto.⁶⁴ This, however, would be more than the acknowledged role of the Supreme Soviet demands. A more recent source than the one just referred to explains in unambiguous terms that the Supreme Soviet provides "leadership for constructing the material-technical base of Communism" by "confirming" state plans and by "adopting" state budgets and laws on national economic administration.⁶⁵

Enough has been said to indicate the scale on which the Supreme Soviet's legislative activity proceeds. It is necessary yet to illustrate this body's lack of supremacy in questions concerning the Constitution. Both the Presidium and the Council of Ministers have bypassed the Supreme Soviet in enacting constitution-amending legislation, a field in which neither of them supposedly has power. The Presidium is not, as Soviet writers frequently take care to insist, a law-making (zakonodatel'nyi) body.⁶⁶ They admit, without being aware of

the implicit contradiction, that the Presidium can and does "by means of its decrees not infrequently introduce changes and additions to existing laws [zakony]." ⁶⁷ If one were to ask when a law-amending body is not a law-making body, the answer would have to be: when it is a Soviet law-amending body. But the Presidium's actual powers, as reflected in precedents, go farther than the amendment of laws: they extend to the introduction of changes in the Constitution. An edict of June, 1940, abolished the constitutionally-established seven-hour working day in favour of an eight-hour day. The Supreme Soviet, the only body formally empowered to amend the Constitution, ⁶⁸ ratified this change in February 1947. ⁶⁹ Just before the elections to the Second Supreme Soviet, another Presidium edict raised the passive electoral age from eighteen to twenty-three. Five months later, in March 1946, the Supreme Soviet ratified the amendment ex post facto. ⁷⁰ One Soviet author admits, without citing examples, that Presidium edicts have "often" altered the Constitution. ⁷¹ The same writer provides a solitary but revealing instance of a similar role played by the Council of Ministers. In October 1940, the Council of People's Commissars (as it was called then) decreed, contrary to Article 121 of the Fundamental Law, that tuition fees would be henceforth in effect for secondary

schools and institutions of higher learning. Only some time later was the appropriate amendment incorporated into the Constitution.⁷²

A final word about the Soviet legislative process. In its sittings the Supreme Soviet is interested in the working rather than the wording of the law. Its application rather than deliberation over it is what occupies the attention of the Soviet law-makers..⁷³ This is an important point to bear in mind when evaluating the Supreme Soviet as a legislative assembly. The object of its sessions is to draw individuals into the legislative process and then to release them into the country as part of the coercive force necessary to transform paper directives into living reality.

NOTES

1. A.I. Lepeshkin, Kurs Sovetskogo gosudarstvennogo prava (Moscow, 1961), I, 64-69.
2. A.I. Lepeshkin, et al., II, 424-25. Since 1960, these have been called "USSR laws" (zakony SSSR) to underline their All-Union scope and to differentiate them from laws passed by republican Supreme Soviets. Ibid., p. 415.
3. Ibid., pp. 425-27.
4. Ibid., p. 428.
5. Ibid.
6. See Table 24. Some Presidium edicts are confirmed as "laws," some as decrees.
7. Ibid., pp. 429-30. These, unlike laws, are not signed by the Presidium Chairman and Secretary.
8. A.M. Vasil'ev, "O klassifikatsii aktov Verkhovnogo Soveta SSSR," SGP, No. 8, 1953, p. 25.
9. Lepeshkin, I, 68.
10. Denisov and Kirichenko, p. 232.
11. USSR Constitution, Art. 49(g), which further stipulates that such edicts originate "on the recommendation of the Chairman of the Council of Ministers. . . ."
12. Lepeshkin, I, 69. Some of these powers will be found in the USSR Constitution, Ch. V.
13. Lepeshkin, I, 69.
14. USSR Constitution, Art. 49(f). No record of such invalidation can be found.
15. Lepeshkin, I, 69.
16. Lepeshkin, et al., II, 410.

17. Osnovy Sovetskogo gosudarstvennogo stroitel'stva i prava, p. 188. "The right of legislative initiative is the right of the appropriate bodies or individuals to introduce into the legislative body proposals on the adoption of new laws [and of] additions, changes and abrogation of existing laws and drafts presupposing legislative acts which must be considered by a legislative body." Ibid.
18. Lepeshkin, et al., II, 412. Cf. Kravtsov, p. 23.
19. Actually, the Constitution is not so explicit in this regard as writers like the following maintain: Lepeshkin et al., II, 410; P.P. Lobanov, "Sotsialisticheskii demokratizm v deiatel'nosti Verkhovnogo Soveta SSSR," SGP, No. 3, 1958, p. 23; and Sheremet and Barabashev, p. 130.
20. "Polozhenie o Verkhovnom Sude SSSR," Sbornik ofitsial'nykh dokumentov, p. 417.
21. Art. 9 of the Procuracy edict allows him to make submissions regarding USSR laws which required judicial interpretation. "Polozhenie o prokurorskom nadzore v SSSR," ibid., p. 419.
22. In 1940, the Baltic republics "requested" to be included in the USSR; in 1956, the Karelo-Finnish republic asked to be demoted to autonomous republican status within the RSFSR. Lepeshkin, et al., II, 411n.
23. See the authoritative article by Lobanov, the then Chairman of the Soviet of the Union, who speaks of the union republics as unequivocally possessing the right of legislative initiative (SGP, No. 3, 1958, p. 23).
24. Sheremet and Barabashev, p. 130n.
25. There was a gap of four years--the Third Convocation (1950-1953)--during which they prepared no bills.
26. Compare Lepeshkin's report (Table 23) and Sheremet and Barabashev's contention that deputies introduced five laws: on the preservation of peace; on changing the Sovnarkom's name; on the Presidium's numerical composition; on calling the Procurator "Procurator-General"; and on the 1938 agricultural display (ibid., p. 130n).

27. Such as those in Lobanov, p. 23; Kravtsov, p. 66, and Sheremet and Barabashev, p. 130.
28. This is what happened with the 1957 law on economic decentralization. Richard C. Gripp, Patterns of Soviet Politics (Homewood, Illinois, 1963), p. 212.
29. Osnovy sovetskogo gosudarstvennogo prava i sovetskoe stroitel'stvo (Leningrad, 1961), p. 103.
30. Ibid.
31. Osnovy Sovetskogo gosudarstvennogo stroitel'stva i prava, p. 189.
32. In 1957, following Khrushchev's introduction of his plan for improving industrial organization a commission was formed to elaborate an appropriate draft law. The commission presented its draft after only a day of deliberation and it was approved forthwith by the Supreme Soviet.
33. Lepeshkin et al., II, 413.
34. Ibid.
35. Ibid., and Kerimov, p. 79.
36. P.T. Vasilenkov et al., Sovetskoe pravo (Moscow, 1964), p. 82.
37. Kravtsov, pp. 57-58.
38. Ibid., p. 49.
39. As in Germany and France, the speaker has to "mount the tribune." Finer, Theory and Practice of Modern Government, p. 506.
40. A favourite Soviet example is the pensions law into which were incorporated 30 amendments. "Vysshii organ vlasti Soiuza SSR v period razvernutogo stroitel'stva kommunizma," SGP, No. 3, 1962, p. 6.
41. Kravtsov, p. 50.
42. Kerimov, pp. 80, 80n; Lepeshkin, et al., II, 414.

43. Scott, p. 105.
44. Lepeshkin et al., II, 414.
45. "O poriadke opublikovaniia i vstupleniia v silu zakonov SSSR, postanovlenii Verkhovnogo Soveta SSSR, ukazov i postanovlenii Prezidiuma Verkhovnogo Soveta SSSR," Sbornik ofitsial'nykh dokumentov, pp. 407-408. Previous acts (VTsIK Decrees) on the subject had been enacted in 1924, 1925 and 1933. Ibid., p. 408.
46. Harold J. Berman, Justice in the U.S.S.R. (rev. ed.; New York, 1963), p. 76.
47. The full title of this publication is Izvestiia Sovetov deputatov trudiashchikhsia SSSR ("News of the Soviets of Toilers' Deputies of the USSR").
48. "O 'Vedomostiakh Verkhovnogo Soveta SSSR'," Sbornik ofitsial'nykh dokumentov, p. 409.
49. New Statesman, January 8, 1965, p. 32.
50. Ibid.
51. Juviler, p. 23.
52. Ibid., p. 311.
53. M.I. Piskotin, "O biuzhetnykh pravakh Verkhovnogo Soveta SSSR," SGP, No. 7, 1956, p. 17.
54. Fedorov, p. 130.
55. Juviler, p. 310. The fiscal year runs from January 1 to December 31.
56. N.G. Berdichevskii, "Biuzhetnye prava Soiuza SSR i soiuznykh respublik," SGP, No. 1, 1960, p. 27.
57. Reprinted in part in Sbornik ofitsial'nykh dokumentov, pp. 410-12.
58. Berdichevskii, pp. 27-28.
59. Scott, p. 105.

60. Fedorov, p. 132.
61. SGP, No. 3, 1962, p. 8.
62. Ibid., p. 7.
63. Piskotin, p. 23.
64. Ibid., pp. 23-24.
65. Sheremet and Barabashev, p. 122.
66. Kerimov, p. 99; Kravtsov, p. 31.
67. Kerimov, p. 99.
68. USSR Constitution, Art. 146.
69. Voprosy sovetskogo gosudarstvennogo prava (Moscow, 1959), p. 141.
70. Ibid., p. 143.
71. M. Mikhailov, "Nekotorye voprosy sovetskoi konstitutsionnoi praktiki," SGP, No. 9, 1956, p. 10. In 1964, for instance, one Presidium edict effectively amended the Constitution by establishing a new Ministry.
72. Ibid., p. 10n.
73. Samuel N. Harper and Ronald Thompson, The Government of the Soviet Union (2d ed.; New York, 1949), p. 136.

CHAPTER VI

COMMISSIONS

The bicameral Central Executive Committee of the USSR (TsIK SSSR) possessed only one standing commission;¹ its successor, the Supreme Soviet, has under it at the present time eleven commissions. Distinction is made between the Mandates and the other commissions on the ground that the former do not prepare legislation. Furthermore, they perform their functions only during the life of a particular convocation, beginning anew each time, while the standing commissions achieve a certain continuity from one Supreme Soviet term to the next by always completing the work of their predecessors. But what distinguishes these permanent commissions from temporary ones is that they are selected at separate sittings of the houses; temporary commissions are always joint commissions. There are two of the latter variety today.² The first is Khrushchev's Constitutional Commission which was created in 1962.³ The second dates only from July, 1964, and is concerned with investigating methods of making deductions from collective farm wages for pension purposes.⁴

While the Constitution makes provision for the Supreme

Soviet to create commissions for investigative and auditing purposes,⁵ the two existing temporary commissions are the first of that kind. Another type, the editorial commission, which is looked upon as coming within the class of commissions mentioned in the Constitution,⁶ has been formed from time to time. Such a commission is intended to consolidate the changes proposed by deputies during discussion of a draft law and to produce an amended version incorporating those suggestions. This only happens when a law is not scrutinized and amendments to it are not proposed by one of the standing commissions.⁷ Two editorial commissions were formed in 1939, to prepare the laws on compulsory military service and on the agricultural tax.⁸ The Second Supreme Soviet at its opening session (March, 1946) selected a similar eleven-man commission to recommend constitutional amendments for the next session's consideration.⁹ Two more editorial commissions appeared in 1957. One of these had the task of drafting a law to amend the Constitution once again.¹⁰ The other was concerned with the law implementing Khrushchev's plan for economic reorganization.¹¹ When each of these five acts had been accepted, the commissions were dissolved.¹²

The standing commissions have three main functions. These are: the "initiation" of legislation; the preliminary examination of draft laws to be considered by the Supreme

Soviet; and the exercise of "control," of assisting in "bringing into life the adopted acts," as the Soviets say.¹³ Along with the Mandates Commissions they are chosen at the first session of every new convocation from among the deputies to the Supreme Soviet. Although statutes stipulate the sizes of two of them, the numerical composition of all commissions is decided when they are selected,¹⁴ and has tended to increase with the passage of time. Generally a high-ranking Party member proposes, on behalf of "a group of deputies" from various regions, the slate of candidates for a particular commission and this is unanimously approved.¹⁵ The commission's

TABLE 26

SIZES OF COMMISSIONS OF THE SOVIET OF NATIONALITIES

Commission	Convocation					
	I	II	III	IV	V	VI
Mandates	11	15	17	17	21	21
Legislative Proposals	10	19	19	19	31	31
Budgetary	13	27	27	26	39	39
Foreign Affairs	11	11	11	11	23	23
Economic	-	-	-	-	31	31

Sources: Lepeshkin et al., p. 402, and Vedomosti, No. 17, 1962. The other chamber's commissions are of the same size.

chairman is named in the proposal; the rest of its internal organization is left to its own judgment. Commission chairmen

and members tend to be chosen from among important Party functionaires.¹⁶ This would indicate that these bodies are of some importance to the leadership. (See Table 27).

TABLE 27

PARTY STANDING OF COMMISSION MEMBERS, SOVIET OF
THE UNION: VI CONVOCATION

Commission	Member CC, CPSU	Member, Republican CC	Member CPSU
Mandates	11	4	1
Legislative Proposals	18	3	2
Budgetary	18	6	2
Foreign Affairs	15	2	1

Sources: Vedomosti, No. 12, 1962, and Heinrich E. Schulz and Stephen S. Taylor (eds.), Who's Who in the USSR 1961/62 (New York, 1962). It is important to note that there are no non-Party deputies in these commissions.

Certain deputies holding appointments in the Supreme Soviet or its subordinate bodies are traditionally excluded, by reason of their office, from becoming members of commissions. The chairmen of the houses and their deputies are subject to this rule. Similarly, deputies who are at the same time heads of government departments are not selected to commissions concerned with the same business as their department.¹⁷ While these sensible injunctions appear to be scrupulously followed in the make-up of standing commissions, such is not

the case with regard to temporary commissions. As originally constituted in 1962, the Constitutional Commission, which had 97 members, contained no fewer than 43 high office-holders: 28 Supreme Soviet Presidium members, 12 USSR Ministers, both house chairmen and a deputy chairman.¹⁸ The Collective Farm Pensions Commission has three USSR Ministers among its 52 members.¹⁹

The situation is rather similar insofar as overlapping membership between commissions is concerned. "In the First Convocation," writes K.G. Fedorov, "individual deputies simultaneously appeared in two and even three commissions."²⁰ Since about 1956, however, an effort has been made to have deputies sitting only on one commission. There is no overlapping of membership in the Mandates and standing commissions of the Sixth Supreme Soviet. Once again, though, things are different in the temporary commissions. Seventeen out of 97 members of the Constitutional Commission also belong to other commissions. Twice as large a proportion (18 out of 52) of the Collective Farm Pensions Commission are members of other commissions.²¹

Soviet scholars have recently made some suggestions regarding the existing standing commissions. They recommend that the commissions be increased in size so that more deputies may participate in the legislative process.²² Only about

one-quarter (383 out of 1443) of the Supreme Soviet deputies serve on any of the commissions at present. Another recommendation, consonant with the current inclination towards legalism, is that provision should be made for their inclusion in the Constitution.²³ One commentator has expressed the hope that the new Constitution will delineate "the role and place of the standing commissions."²⁴

No information exists concerning the organization of the Mandates Commissions. They have, of course, very little work to do after each first session. In addition to reporting the proper election of all Supreme Soviet deputies at the beginning of a convocation, they report at subsequent sessions the names of deputies chosen in by-elections. Unlike the standing commissions they work only during sessions and never between them.²⁵

The standing commissions have an internal organization parallel in some respects to that of the Supreme Soviet chambers. In each of them a deputy chairman and a secretary are selected from among the commission members. It is not certain whether these two officers together with the chairman still form an executive body called a bureau as was formerly the practice.²⁶ The bureau's function was to draft the commission's plan of work and its agenda and to assign duties among members.²⁷ The directing force of a commission, at any rate,

is its chairman. Practically every commission creates sub-commissions for the study of particular aspects of each law under consideration. These subcommissions, with a few commission members as nucleus, consist of a large number of specialists from various academic, scientific and technical fields, drawn both from among deputies as well as outsiders.²⁸ The chairman of a subcommission or of a "brigade" is in every case a commission member. Sometimes subcommissions are formed jointly by standing commissions of the same name; sometimes they are further broken down into so-called working groups. Subcommissions are directed in their work by the decisions of plenary commission meetings.²⁹ The commissions are responsible to their corresponding chambers and between sessions, of course, to the house chairmen. A secretariat serves the clerical needs of each chamber's standing commissions, except those for Legislative Proposals which have their own secretariats.³⁰

Only the Legislative Proposals Commissions are covered by statutes which outline their organization. These same regulations are simply considered by analogy to extend to commissions which formally lack them on the assumption, presumably, that all commissions are basically the same. Thus all standing commissions are considered to be required to meet not less frequently than once every three months.³¹ A perusal

of the Vedomosti, however, reveals that no commission has managed to meet that often in the last few years. (See Table 28.) Commission members are excused from their basic employment when participating in the work of commissions.³² Meetings, to which deputies are summoned by telegram,³³ take place exclusively in the Kremlin. Two-thirds of the membership constitutes a quorum. All questions are decided by a plain majority vote.³⁴

TABLE 28

MEETINGS OF STANDING COMMISSIONS: 1961-1964

Commissions	Number of meetings			
	1961	1962	1963	1964
Legislative Proposals	2	2	-	2
Budgetary	1	2	1	2
Foreign Affairs	-	1	1	1
Economic				
alone	-	2	-	1
jointly with Budgetary Commissions	1	1	1	1

Source: Vedomosti Verkhovnogo Soveta SSSR, 1961-1964.

Except for organizational meetings at the start of a new convocation, commissions of the same name invariably have joint meetings to conduct their business. This practice saves duplication. Thus the somewhat larger than usual number of

meetings in 1962 is explained by the necessity of each commission having to hold one separate initial meeting to settle organizational matters. Once this item is out of the way, they meet only jointly and consequently less frequently.

How the commissions are to carry out their work and in what order is not governed by any rules. The plan of work and the length of time to be devoted to individual projects are decided by the commissions differently in specific instances.³⁵ As a rule a commission will hear a report from a representative of the department introducing the draft law under consideration as well as reports from the subcommissions designated to investigate its various clauses. It will then decide on the final form of the draft by voting on the several resolutions and amendments. Finally, a spokesman--generally the chairman--will be selected to report the finished bill in the Supreme Soviet. Provision also exists³⁶ for the voicing of dissenting opinions by individual deputies at the same time. However, no record can be found of such dissent.

Legislative Proposals Commissions

The Legislative Proposals Commissions, like nearly all the rest, were first formed in 1938. Both contained ten members. Decrees on the commissions were not adopted until 1947. That for the Soviet of Nationalities Commission stipulated a

membership of nineteen. The other made no such specific provision, but both commissions were increased to the same size that year. In 1958, both were increased again to 31 deputies at which figure their complement stands today. The Soviet of Nationalities commission's decree has not yet been amended to reflect this change.

It may be most instructive to examine some of the more outstanding aspects of the above decrees concurrently with the commissions' record of legislative activity. In spite of possessing a guiding law these commissions have been as inconsistent in their performance as have those without such standards. The situation epitomizes the straw-like nature of Soviet legislation respecting the popular representative assemblies. The Legislative Proposals Commissions are given authority to prepare all laws "except those draft laws coming within the competence of other standing commissions. . . ." As might be expected, no statute specifies the kinds of laws coming within the jurisdiction of the various commissions. Such a transparently vacant provision in this act makes it difficult to understand the rapturous paroxysms indulged in by respectable Soviet scholars on the subject of the commissions' "rights." The situation was only slightly clarified by the Economic Commission decree of 1957. It gave that commission power to work in the area of the state economy and

budget, as well as certain aspects of public welfare. The classes of legislation to be handled by the Legislative Proposals Commissions are still largely a matter of conjecture. Judging from the record, one sees that they have mainly helped to produce some of the so-called "Legislative Fundamentals" and some enactments on the Soviet judicial system.

Whatever their jurisdiction, then, these commissions are supposed to do two things: (1) to examine and report on draft laws referred to them by the Supreme Soviet and (2) to elaborate draft laws either suggested by the chambers or on their own initiative. Not long after the Twentieth Party Congress a soul-searching article in the leading Soviet legal journal revealed that between 1938 and 1955, the commissions had initiated only one law: "Concerning the State Tax on Horses of Individual Peasant Farms."³⁷ As though to make up for this, three laws were initiated in 1956 by the Legislative Proposals Commissions and passed the following year by the Supreme Soviet.³⁸ While this high tempo of work has not been maintained, the commissions have been making a better showing since 1956. There was a similar quickening of pace in that year of de-Stalinization insofar as examining draft laws introduced by other bodies was concerned. During the entire long First Convocation the Legislative Proposals Commissions inspected only one act, the 1938 Zakon on the USSR

law-court system, drafted by the Government. They did nothing further until 1956 when they considered the law on pensions prepared by the Council of Ministers.³⁹ Since then the volume of legislation handled by the commissions has been kept at a fairly constant level: according to the reports of their meetings, they are always working on three or four laws. From the summaries found in the Vedomosti, these meetings still have not reached the statutory minimum of four annually. They seem to manage two at the most, while as recently as 1963 they failed to meet at all. When they do occur the meetings generally last no more than two days, although when they were considering the pension law these commissions reportedly sat for over a month.⁴⁰

A key article in each of the Legislative Proposals Commissions decrees provides that they may submit to the Council of Ministers "proposals on the necessity for preparing draft laws which have to be introduced for the USSR Supreme Soviet's approval." This effectively takes the initiating and actual drafting of legislation out of the deputies' hands and places it in those of the real decision-makers. In such a case the law is subsequently presented by the Council of Ministers directly to the Supreme Soviet. It may, along with other draft acts, find its way back to the commissions along with a request for "resolutions" to be submitted

thereon and returned to the Supreme Soviet. Sometimes when the commissions are examining a law they send a set of "resolutions" on it to the Presidium before reporting the draft into the Supreme Soviet.⁴¹

Some remarks deserve to be made about the system of subcommissions working on legislative proposals. One or more of these subordinate bodies are formed jointly by the commissions for considering a particular draft law.⁴² Specialists and scholars alike are brought in as full members of the subcommissions. No fewer than twenty-five outsiders sat on the subcommission which elaborated the law on USSR and republican budgetary rights. The subcommissions considering the recent Fundamentals of correctional-labour legislation contained "18 scholars, 3 representatives of social organizations and 17 practical workers. . . ."⁴³ Scholars sometimes serve as subcommission vice-chairmen.⁴⁴ Beyond this, the effort made to have experts participate in law-making can be seen in the fact that some 400 subcommission meetings took place between 1958 and 1962. About 450 outside specialists served on subcommissions during that period and another 350 were called in as consultants on specific problems.⁴⁵ This balancing of amateur deputies with expert knowledge is what the Soviets like to refer to as linking theory and practice.⁴⁶

As already noted, plenary meetings of the commissions

are held jointly except on organizational matters. Like their parent bodies the subcommissions hold many of their sittings jointly.⁴⁷ But unlike them, however, they have managed--very recently, at any rate--to meet in locations other than Moscow. Some of the subcommissions have apparently travelled to confer (in the republican capitals, presumably) with republican Legislative Proposals Commissions.⁴⁸

Even wider public participation can be achieved on those rare occasions when the leadership discerns a need for it. The commissions may, to stimulate public discussion, publish a draft law before its consideration.⁴⁹ This generally results in a flood of letters from the citizenry. The pension law brought correspondence from more than 12,000 persons. The draft of that law was also sent to each commission member at his place of work. There he was to confer about it with governmental and public officials, reporting their suggestions to his commission at its plenary meeting.⁵⁰

With so much joint work the value of having two commissions instead of one might reasonably be doubted. Soviet state scientists explain, however, that there is indeed a purpose in retaining the dichotomy. When the commissions report to a joint sitting of the Supreme Soviet, the Soviet of Nationalities Commission supposedly presents those draft laws and proposals which have to do with national peculiarities or

which are most relevant to national matters.⁵¹ This is seldom observed in practice.

TABLE 29

OCCUPATIONS OF COMMISSION MEMBERS: SOVIET OF THE UNION, SIXTH CONVOCATION (IN PERCENT)

Occupations	Commissions			
	Mandates	Legislative Proposals	Budgetary	Foreign Affairs
Government (State)	14	13	31	26
Party	57	55	46	52
Professional - managerial	-	10	8	22
Industrial	19	10	10	-
Agricultural				
Farm chairmen	10	3	5	-
Others	-	10	-	-

Source: Vedomosti, Nos. 12, and 17, 1962.

Budgetary Commissions

The Budgetary Commissions were selected at the Supreme Soviet's very first meeting "for preliminary examining and making resolutions on the draft budget introduced by the Government, . . . for realizing systematic control over fulfillment of the budget and also for preliminary examining and submitting resolutions on reports on the fulfillment of the budget. . . ."⁵² Each commission had thirteen members in

1938; today it has three times that number. Three-quarters of the deputies in the Soviet of the Union's commission are officials from various levels of the Party, Government and economic administration. (See Table 29).

No special act has yet been devised to spell out their functions, although a 1959 statute makes passing reference to the Budgetary Commissions.⁵³ This is used as a guide even though it is incomplete. More certain direction comes, so it is said, from "the decisions of the Party and government. . . the laws and decrees adopted by the USSR Supreme Soviet, and . . . the tasks of the seven-year plan. . . ."⁵⁴ The recent law referred to provides that the commissions shall: (1) in the course of examining the State budget, hear reports from a wide range of governmental leaders; (2) present their own observations on the budget to the Supreme Soviet; and (3) having heard the report on fulfillment of the previous year's budget, present similar resolutions on it as well. Practice indicates that the commissions have limited themselves exclusively to this kind of work except when meeting jointly with the Economic Commission. In the latter circumstance, examination of the State Plan takes place in addition to a scrutiny of the budgets. Nearly all of their work takes place in collaboration with the Economic Commission. At a joint meeting just prior to the second session of every year

(usually in December) they look at the budget, the budget fulfillment report and the plan before reporting these to the Supreme Soviet. The commission chairmen generally introduce the appropriate resolutions and deliver the "closing remarks." Occasionally the commissions propose (as they did, for example, in 1963) identical increases in revenues and expenditures for the coming year. This is without question included in the budget and approved unanimously every time. The USSR Minister of Finance, incidentally, always budgets for a surplus.

Usually study of the plan and budget begins at a joint sitting of the Budgetary and Economic Commissions. The Chairman of Gosplan reports to them about the State Plan; the Minister of Finance explains the forthcoming budget and how the previous one has been fulfilled. As many as a dozen⁵⁵ subcommissions are then formed by the Budgetary Commissions to examine both plan and budget in detail. In November, 1962, according to the official gazette, the following subcommissions were created: "on basic indices of the national economic plan; on State budget revenues; on production and distribution costs; on heavy industry; on transport and communication; on agriculture, state purchases and trade; on education, culture, public health and social security; on individual ministries and departments (internal trade, defence and others); on the report of fulfillment of the 1961 State budget, and also

subcommissions on the plans and budgets of union republics."⁵⁶ Deputies other than commission members are brought into the subcommissions, as are representatives of Gosplan, the Ministry of Finance and other ministries. In addition, about 100 consultants from government departments are called in for advice annually.⁵⁷ The work of the subcommissions seems to consist not so much in studying the draft laws as in collecting suggests sent in from Gosplan, Gosstroï, state committees, departments and ministries, both USSR and republican.⁵⁸ When this is completed a plenary session of the commissions takes place at which the final form of reports to be presented in the Supreme Soviet is decided.⁵⁹ The commissions "coordinate their corrections and proposals"⁶⁰ so that their resolutions are identical in spirit if not letter.⁶¹ Before being presented, however, their reports are distributed to all Supreme Soviet deputies⁶² for their enlightenment. This presumably helps the representatives in composing their speeches for the discussions on the plan and budget.

In a recent essay the current chairman of one of the Budgetary Commissions, I.S. Senin, has recommended that subcommissions should extend their work to the inter-session period instead of meeting but briefly just before the winter session. He also noted that the commissions have up to now brought in co-workers only from central governmental agencies

and suggested that a wider selection be made from among scholars, specialists and ordinary workers.⁶³ His criticism regarding the single meeting per year held by the commissions⁶⁴ seems to have been heeded. (If this sounds paradoxical, it is only a reflection of a legislative system where the chairman of a commission, supposedly empowered to direct its work, is not permitted to follow the dictates of his own experience without higher approval.) In 1964 they met jointly in July to consider progress on the current budget and plan. Many reports and criticisms were made at this unusual meeting.⁶⁵

Economic Commission

The Economic Commission of the Soviet of Nationalities came into being in February, 1957,⁶⁶ and was given the following tasks: (1) preparation of resolutions on the economic development of union republics; (2) preliminary examination of union-republican proposals for their economic development; and (3) preparations of resolutions on the State Plan. It is comprised of a chairman and thirty members (two from each union republic), all but two of whom are Party and State officials. The chairman, an experienced parliamentarian, was a Central Committee secretary in the Ukrainian Party at the time of her appointment. This is the only commission with

permanent subcommissions. It has four of them, two of which are headed, significantly, by the RSFSR representatives: on industry, construction, transport and communications; on agriculture and State purchases; on culture, public health and construction of communal dwellings; and on trade and public incomes.⁶⁷ These units are further subdivided from time to time into temporary "working groups." Some 200 specialists reportedly took part when the commission and its progeny considered the 1962 Plan.⁶⁸

In the relatively few years of its existence the scope of this commission's work has been impressively broad. It has turned its attention to such matters as agricultural production, farm wages, trade, economy of the Far North, electrification and capital construction in union republics, automotive manufacture, and school construction.⁶⁹ It has in the process displaced the Legislative Proposals Commissions insofar as legislative activity is concerned. This, of course, is inevitable in view of its broad terms of reference which embrace what is roughly referred to as the "economic development" of the union republics. Few things are not economic one way or another in the Soviet Union. Besides taking economic legislation out of the hands of the Legislative Proposals Commissions, the Economic Commission is likely to be a means of downgrading the independence of union-republican governments.

The Economic Commission appears to be an instrument for legislating at the centre in place of the union republics under the guise of "further improving national economic planning and of all-round study of problems in the union republics. . . ." ⁷⁰

Foreign Affairs Commissions

The most leisurely pace of work carried out today is that by the Foreign Affairs Commissions. These bodies meet once a year at the most, always jointly, never bother about subcommissions or working groups, and manage to conclude their business handily in a single day. Their task is to hear the Foreign Minister's report, to approve it and to recommend that the Supreme Soviet approve it also. In their last two meetings they have examined treaties introduced in the Presidium by the Council of Ministers and have recommended that they be ratified. ⁷¹ The commissions have thus been working more under the Presidium than the Supreme Soviet. Only once in the last four years have they presented a resolution in the Supreme Soviet on the Government's foreign policy. ⁷² It should be noted that the executive branch of government decides when its activities are to be subjected to approval by the legislative; the legislature never undertakes on its own initiative to review the Government's policies.

Temporary Commissions

The proposals for a commission to frame a new Constitution were presented in 1962 on behalf of the Party's Central Committee by its then First Secretary, N.S. Khrushchev. The new Constitution, expected by its chief proponent to be approved by the current convocation,⁷³ was intended to reflect changed conditions within and without the Soviet Union. Judging by the official record in Vedomosti, this commission has so far held only two meetings, one in June, 1962, and the other in July, 1964.⁷⁴ At the former, its chairman "briefly outlined the commission's tasks in the preparation of a draft of the new USSR Constitution." A total of nine subcommissions were created, covering such fields as constitutional theory, administration, economic problems, nationality policy, science and education, foreign relations, and law enforcement.⁷⁵ At the second meeting seven of these subcommissions presented their reports while Khrushchev explained that "the new Constitution should . . . [reflect] the ideals of Marxism-Leninism and of the CPSU Program on the Communist society and on the role of the popular masses, Communist Party and social organizations in the building of Communism."⁷⁶ The commission decided to continue its work but whether it will or not under the new leadership is an open question. In December, 1964, Brezhnev was appointed to its chairmanship,⁷⁷ which gives the

appearance of an intention to continue the commission's work.

There are 29 deputies from the Soviet of the Union and 23 from the other chamber in the joint Commission on collective farm pensions. Thirty-one of its members, appropriately enough, are kolkhoz chairmen and employees; the remainder are State and Party leaders. Its official task is "the elaboration of proposals on the order and size of deductions from kolkhoz revenue into the central union kolkhoz workers' social security fund, in connection with the adoption of the Law on pensions and benefits to members of kolkhozes."⁷⁸ The commission has held one meeting (August 10, 1964),⁷⁹ at which the entire question was examined, a scale of deductions proposed for 1964 and 1965, and various other problems connected with the above pension law were considered. It was decided to forward the commission's recommendations on all of these matters to the Council of Ministers, presumably for implementation.

A variety of recommendations have recently been made for improving the calibre of work of the commissions. There is a recognition that the 1947 law on the Legislative Proposals Commissions is outdated and inadequate to guide the activities of other commissions. An all-union "law detailing the composition and functions of the [commissions]," observes one Soviet writer, "is needed."⁸⁰ Work has apparently been progressing

on such a law for the Economic Commission, taking into account that body's accumulated experience to supplement the rather general provisions of the 1957 statute.⁸¹ Another spokesman, however, has proposed a more wide-ranging reform in the statutory foundations of the commissions. He suggests a wholly new and detailed set of Regulations for the Supreme Soviet, "a single normative act . . . setting forth the whole internal structure and order of work of the Supreme Soviet and the rights and obligations of its deputies."⁸² Since the activity of the commissions depends on the legislative scope of the Supreme Soviet, there is a logical priority for such a broad and more basic enactment before the scope of each commission may be properly defined.

A series of proposals has also been made with respect to the specific features of the commissions. It is recommended that, like in the republics, standing commissions be formed on the "branch" principle and that more commissions be created. By the "branch" principle is meant designation of commissions to deal with the main segments of the economy, as, for instance, in the Economic Commission. There might thus be commissions on industry, agriculture, trade, and public welfare in addition to the already-existing "branch" commissions on foreign affairs.⁸³ Finally, commissions should, according to one scholar, plan their work farther ahead than

for the single year they do now. Commissions in the Polish Sejm, he notes, plan their work for two and even four years in advance.⁸⁴ Some elaborate rationalization, however, like the "law of the entire people," remains to be formulated by the ideologists before parliamentary procedures carried out in countries not as far advanced on the "road to communism" as the USSR can be incorporated into Soviet practice without the appearance of being retrogressive measures.

NOTES

1. This was a joint budgetary commission composed of representatives from the Soviet of the Union and the Soviet of Nationalities. Libman, p. 47n. Actually, it was a carry-over from the All-Russian CEC which had in 1921 established a similar commission for "the examination of the all-state budget and of individual estimates." I.S. Senin, "Nekotorye voprosy deiatel'nosti Biudzhethnoi komissii Soveta Soiuza Verkhovnogo Soveta SSSR," SGP, No. 11, 1962, p. 27m.
2. Gripp alludes to what he calls "various ad hoc temporary commissions, such as Transport, Trade, Construction, and Industry" (p. 105). However, since he gives no source for this and since Soviet authorities do not corroborate it the statement must be discounted. It is possible either that Gripp misunderstood Soviet scholars' proposals regarding such commissions for intimations of their existence or that he was referring to similar subcommissions formed from time to time by the standing commissions. More will be said about both of these items infra.
3. See the Supreme Soviet decree dated April 25, 1962, "O vyrobotke proekta novoi Konstitutsii SSSR," Vedomosti, No. 17, 1962, pp. 446-47.
4. "Ob obrazovanii Komissii Verkhovnogo Soveta SSSR dlia razrabotki predlozhenii o poriadke i razmerakh otchislenii iz dokhodov kolkhozov v tsentralizovannyi soiuznyi fond sotsial'nogo obespecheniia kolkhoznikov v sviazi s priniatiem Zakona o pensiiakh i posobiakh chlenam kolkhozov," ibid., No. 29, 1964, pp. 553-55. This decree has no short title. For convenience the commission established thereunder will be referred to here as the Collective Farm Pensions Commission.
5. USSR Constitution, Art. 51.
6. Sheremet and Barabashev, p. 119.
7. Kerimov, p. 56n.
8. There were 34 deputies from the Soviet of the Union and 31 from the Soviet of Nationalities on the former and 44 and 47, respectively, on the latter commission. Kerimov, p. 75n.

9. Lepeshkin et al., II, 40ln. Unlike the previous editorial commissions, this one conducted its work between rather than during sessions. Kerimov, p. 75n.
10. Lepeshkin et al., II, 40ln. The commission was composed of 65 deputies. Ibid.
11. Sheremet and Barabashev, p. 119.
12. Fedorov, p. 119.
13. Sheremet and Barabashev, p. 137; O.E. Kutafin, "Nekotorye voprosy organizatsii i deiatel'nosti postoiannykh komissii palat Verkhovnogo Soveta SSSR," Vestnik Moskovskogo universiteta, Seriya X: Pravo, No. 3, 1964, p. 32.
14. Kirichenko, Verkhovnyi Sovet SSSR, p. 63; Kutafin, p. 32.
15. This was the practice, for example, at the first session of the Sixth Supreme Soviet. See Izvestiia, April 24, 1962.
16. For instance, among the ten commission chairmen in the present (Sixth) Supreme Soviet are: three CPSU Central Committee secretaries; two secretaries of republican Central Committees; two provincial (obkom) first secretaries; one territorial (kraikom) first secretary; and the chairmen of the Russian and Ukrainian Councils of Ministers. Vedomosti, Nos. 17, 1962, and 29, 1964.
17. Kutafin, pp. 33-34.
18. Vedomosti, No. 17, 1962.
19. Ibid., Nos. 17, 1962, and 29, 1964.
20. Fedorov, p. 116.
21. Three of these deputies each belonged to two other commissions. Vedomosti, Nos. 17, 1962, and 29, 1964.
22. A. Kh. Makhnenko, "Povyshenie roli i sovershenstvovanie deiatel'nosti postoiannykh komissii Verkhovnykh Sovetov v oblasti podgotovki zakonoproektov," SGP, No. 8, 1964, p. 59. Makhnenko points to the experience of union-republican Supreme Soviets and to assemblies of foreign socialist countries where the overwhelming majority, and in any case a far larger proportion than in the Supreme Soviet, of deputies serves on commissions (p. 60).

23. Art. 50 of the USSR Constitution is devoted to the Mandates Commissions, but no mention is made anywhere in the Fundamental Law of the standing commissions.
24. Fedorov, p. 118.
25. Sheremet and Barabashev, p. 141.
26. Evidence from secondary sources is contradictory on this point. Fedorov, writing in 1963, says (p. 116) that bureaux are still a current feature of the commissions. On the other hand, Makhnenko states (p. 60) that bureaux were abolished in 1947 when that year's Decrees on the Legislative Proposals Commissions made no explicit reference to them. More direct sources like the accounts of Commission meetings in Vedomosti are unfortunately of no assistance in answering this problem.
27. Makhnenko, p. 61. If the triumvirate no longer operates as an executive body then these tasks are carried out by the chairman alone. Ibid.
28. Kravtsov, p. 44.
29. Sheremet and Barabashev, pp. 143-44.
30. Ibid., p. 145; M.A. Gedvilas and S.G. Novikov, "O deiatel'nosti Komissii zakonodatel'nykh predpolozhenii Verkhovnogo Soveta SSSR," SGP, No. 9, 1957, p. 15; Gripp, p. 109.
31. Kutafin, p. 36.
32. Ibid. While other deputies are said to take part (as non-voting participants) in commission meetings, it is doubtful if more than a few really do since the law, strictly speaking, exempts only members of commissions from their basic work. See the decrees on the Legislative Proposals Commissions in Sbornik ofitsial'nykh dokumentov, pp. 402-405.
33. The telegram is despatched by the Supreme Soviet Presidium ("O besplatnom pol'zovanii deputatami Verkhovnogo Soveta SSSR vozdushnym transportom pri vypolnenii imi deputatskikh obiazannostei," ibid., p. 401), although meetings are supposedly called by commission chairmen (Sheremet and Barabashev, p. 141). The fact is that while the commissions are responsible between sessions to the house chairmen, it is the Presidium which actually directs their work then. S.G. Novikov, Postoiannye komissii Verkhovnogo Soveta SSSR (Moscow, 1958), p. 15.

34. Kutafin, p. 36.
35. Kerimov, p. 75; Sheremet and Barabashev, p. 141.
36. In the decrees on the Legislative Proposals Commissions, Sbornik, pp. 403-405.
37. M. Mikhailov, SGP, No. 9, 1956, p. 9.
38. Sheremet and Barabashev, pp. 137-38.
39. Fedorov, p. 117; Gedvilas and Novikov, pp. 16 and 19; D.R. Rasulov and S.G. Novikov, "Voprosy dal'neishego sovershenatvovaniia raboty Komissii zakonodatel'nykh predpolozhenii Soveta Natsional'nostei Verkhovnogo Soveta SSSR," SGP, No. 10, 1961, p. 68.
40. Gedvilas and Novikov, p. 15.
41. Rasulov and Novikov, p. 68.
42. Kutafin, p. 38.
43. Ibid., p. 36.
44. S.G. Novikov, "Uchastie nauchnoi obshchestvennosti v rabote Komissii zakonodatel'nykh predpolozhenii Verkhovnogo Soveta SSSR po podgotovke zakonoproektov," SGP, No. 12, 1963, p. 58.
45. Ibid., Kutafin, p. 36. The statutes make reference to the commissions' "bringing in for consultation" knowledgeable outsiders, but they do not specify the status to be accorded such advisers. The practices associated with the subcommittees have grown up through experience.
46. See, for instance, Novikov, Postoiannye komissii, p. 11, or Rasulov and Novikov, p. 72.
47. Kutafin, pp. 37-38.
48. Novikov, SGP, No. 12, 1963, p. 63. Union-republican commission chairmen have likewise participated in the consideration of the All-Union Legislative Fundamentals. Gedvilas and Novikov, p. 22.
49. Rasulov and Novikov, p. 69.

50. Gedvilas and Novikov, p. 19; Osnovy Sovetskogo gosudarstva i prava (Moscow, 1962), p. 184.
51. Rasulov and Novikov, pp. 74-75.
52. Ocherki, p. 245.
53. "O biudzhethnykh pravakh Soiuza SSR i soiuznykh respublik," Sbornik, pp. 410-12.
54. Senin, p. 31.
55. Ibid., p. 28; P.P. Lobanov, SGP, No. 3, 1958, p. 26.
56. Vedomosti, No. 47, 1962.
57. Senin, p. 29; Kirichenko, p. 68; Novikov, Postoiannye komissii, p. 27.
58. Vedomosti, No. 48, 1963; Lobanov, p. 26.
59. Kutafin, p. 35.
60. Ibid., p. 38.
61. Senin, p. 30.
62. Novikov, Postoiannye komissii, p. 28.
63. Senin, pp. 36-37.
64. Ibid., p. 36.
65. Vedomosti, No. 31, 1964, pp. 577-78.
66. "Ob obrazovanii Ekonomicheskoi komissii Soveta Natsional'nostei," Sbornik, pp. 405-406.
67. Vedomosti, No. 17, 1962, pp. 460, 463.
68. O.I. Ivashchenko, "Deiatel'nost' Ekonomicheskoi komissii Soveta Natsional'nostei Verkhovnogo Soveta SSSR i ee dal'neishee sovershenstvovanie v svete Programmy KPSS," SGP, No. 4, 1962, p. 45.
69. Ibid., pp. 41-44.

70. [Economic Commission Decree], Sbornik, p. 406.
71. Vedomosti, Nos. 36, 1963 and 40, 1964.
72. Vedomosti, No. 17, 1962, p. 463.
73. "O vyработke proekta novoi Konstitutsii SSSR," Sbornik, p. 97.
74. Vedomosti, Nos. 25, 1962, and 29, 1964.
75. Ibid., No. 25, 1962. The known chairmen of these sub-commissions are all top-ranking members of the Central Committee: social and state structure (G.I. Voronov); state administration (L.I. Brezhnev); economic questions (A.N. Kosygin); nationality policy (A.I. Mikoyan); science and education (V.P. Eliutin); law enforcement (N.M. Shvernik); and foreign policy (B.N. Ponomarev). Ibid., No. 29, 1964.
76. Ibid., No. 29, 1964.
77. Pravda, December 12, 1964.
78. Vedomosti, No. 29, 1964, p. 553.
79. Ibid., No. 33, 1964, p. 616.
80. Fedorov, p. 117.
81. Ivashchenko, p. 47.
82. Makhnenko, p. 66.
83. Ibid., pp. 58-59; Kutafin, p. 39.
84. Makhnenko, p. 63.

CHAPTER VII

EVALUATION

One of the most striking features of the Supreme Soviet when in session is its physical arrangement. In this respect it is most different from the Parliament at Westminster and resembles more the French Parliament.¹ For in Moscow the deputies sit in a solid bloc facing the front of the hall. Before them, on a raised platform, is a speaker's rostrum, with the presiding officer's desk behind it, and a special bank of places (given, appropriately enough, the theatrical name "loges") for the top leaders and Presidium members. This arrangement is symbolic in Western eyes: it shows the leaders facing the masses. Seating is arranged by territorial subdivisions. No separation is made on the basis of Party membership and this, in Soviet eyes, is symbolic of the unity of Party and party-less.

There are a few other interesting similarities between Soviet and French parliamentary practice. The French deputy, for instance, is immune from arrest. Like his counterpart in the Soviet Union, however, he may be disallowed this immunity if the chamber to which he belongs votes to suspend it.² The Soviet system of commissions resembles what Maurice Duverger calls the Franco-American system as distinct from the British:

doing business by means of standing rather than ad hoc committees.³ The arbitrary number of fifty deputies entitled to make certain kinds of requests and proposals also has its counterpart in French practice.⁴ Even the Soviet term dokladchik, meaning "reporter," is reminiscent of the French designation rapporteur for the same function.⁵

All of this is not meant to imply any coincidental similarity. The truth of the matter is that the Soviets have borrowed for their one-party assembly some of the practices current in Western multiple-party systems. This is rather curious in view of their dogmatic denunciation of bourgeois parliaments. For example, they deplore the undemocratic practice of limiting speeches,⁶ at the same time as their own Supreme Soviet practices a very strict procedure of regulating the length of speeches. An explanation may easily be offered in Soviet terms to the effect that there is a qualitative difference involved here, but it might be more reasonable and convincing simply to demonstrate that certain practices are more expedient than others.

A closer comparison than the above can be made between the Supreme Soviet and the pre-Revolutionary State Duma which, after two false starts, was in operation during the decade which ended in 1917.⁷ It is ironic that a recent Soviet textbook,⁸ while exposing the weaknesses of that first Russian

parliament, unwittingly invites the drawing of parallels between the Duma and the rather debilitated Supreme Soviet.

"Plus ça change," one is tempted to murmur, "plus c'est la même chose."

The State Duma was not in effect a legislative body (zakonodatel'naia) but an "advisory" one (zakonosoveshchatel'naia).⁹ In theory it had the power of legislation, legislative initiative, inspection of state finances and supreme state control.¹⁰ These powers were, however, more circumscribed than in any other contemporary constitutional regime.¹¹ The Third Duma (1907-1912) examined 2570 pieces of legislation and approved some 2200 of these. Members of the Duma initiated less than one-tenth of these bills; the majority came from ministers and other government leaders.¹² It was, in fact, in comparison to the Ministry that the Duma was revealed at its most powerless. The ministers, although collectively designated as the Ministerial Council, were not a "cabinet". They were appointed by and responsible to the Tsar personally.¹³ They had no responsibility before the elected assembly and, like their Soviet counterparts, did not have to be deputies therein. The Ministerial Council had very wide powers. It could, for instance, pass legislation between sessions by having it approved by the Tsar directly. Such legislation was not subsequently reviewed by the Duma or

the upper house, the State Council.¹⁴ The contemporary equivalent is the practice by which the Council of Ministers either bypasses the Supreme Soviet altogether or places before it an accomplished fact.

The interpellation of ministers in the assembly also dates back to the Duma. Tsarist ministers, however, could and did decline to reply to such questioning simply on the grounds of preserving public order.¹⁵ Today's Soviet Ministers are not legally permitted to be so evasive. But the effectiveness of the assembly's control over the Government in this respect is the same as in former times: in the Sixth Supreme Soviet no query has yet been addressed to a minister.

In the Introduction to his doctoral dissertation, Peter H. Juviler made an extensive compilation of Western views of the Supreme Soviet.¹⁶ He classified these according to their general attitude regarding the possibility that this body might or might not be capable of some kind of evolution. In the first group, among those who thought the Supreme Soviet would bring the Western type of democracy to the USSR, he placed the Webbs, who saw no contradiction between "socialist democracy" and the Purges. Secondly, there are people like George Barr Carson who also "foresee possibilities of evolution towards parliamentary democracy," but for different reasons. Carson believes that the forms will bring

with them the essence. But Carson is also among those in a second group who consider the Supreme Soviet "an artificial facade erected for purposes of propaganda" mainly to impress the West. Kulski, Fainsod, Hazard and D.J.R. Scott are in this group. A fourth type of opinion is held by the Italian socialist, Pietro Nenni. He maintains that evolution is not only possible but also necessary if the Soviet Union is not to regress into Stalinism. Finally, observers like Barrington Moore consider that evolution is clearly necessary "in order that Soviet society may develop without terror." Such was also the view of the late Palmiro Togliatti.

Juviler's own research, he says, "has shown [him] nothing to support the view that the Supreme Soviet can evolve toward a Western type of parliament in and of itself." And while it is "not indispensable to political decision-making and to administration," contends Juviler, it is not simply a facade.¹⁷ His general conclusions are that the Supreme Soviet functions to help the Party in carrying out its policies and that it performs this role through its unique position as the highest organ of public persuasion.¹⁸ That the Supreme Soviet is not entirely a facade is almost an inevitable conclusion at the end of a great deal of research into the subject. It is not, together with Juviler's other conclusions, altogether satisfactory.

That the Supreme Soviet is evolving is undeniable.

But that this evolution is in the direction of Western parliamentarism is a doubtful proposition bordering, perhaps, on wishful thinking. It does not necessarily follow that adoption of alien forms will bring with it the essence underlying those forms. Many more factors shaping the context of the times have to be taken into account. It might be held that initiation of a kind of constitutional monarchy in Russia led eventually to the downfall of autocracy. Yet such an argument, or its extension indicating a presently analogous situation in the USSR, would be indeed tenuous besides being unprofitable.

Basically, the Soviet system is evolving towards a more legalistic management of society, although this legalism is of a kind consonant with one-party rules. There seems to be a development in the direction of a "law of the entire people" paralleling the ideas of the State and Party "of the entire people." These tendencies are part of the Soviet implementation of the Marxian dictum concerning the "withering away of the state." The Soviets have apparently decided that legality rather than terror is the better instrument for producing the self-regulating communist society.¹⁹ It is true that, as Merle Fainsod says, "the task of the Supreme Soviet is . . . to clothe the Party thesis in the garb of

constitutional legality."²⁰ But the reason for the constitutional garb is that it forms part of a process by which the Soviets plan to achieve what they will be pleased to define as the stateless society.²¹ It is with the same end in view that the whole system of Soviets (the representative assemblies, that is, from the Supreme Soviet down) is utilized in the USSR as "a school of government."²² One must, of course, place reservations on the effectiveness of this "schooling," but one can at least recognize the dilemma it poses for the Soviet leadership. The problem is to activate the Supreme Soviet without allowing it to supplant the Party Central Committee's guiding role or to be transformed into a permanently sitting bourgeois-type parliament. A solution may already have been formulated in the encouragement of the growth of the commission system.²³ Here a large number of qualified people can work on a realistic scale on projects which have, however, been carefully selected by the central Party leadership. Here, in a sense, "even the housewife can be an administrator" without the Party having to diminish its paternalistic care for society's progress in the proper direction. At the same time, by a curious coincidence, Western liberal democracies are also tending more and more towards "government by committee."²⁴ Thus one is led to conclude that the Soviet parliament is developing greater superficial similarities to

those in the West, bearing in mind, however, that Western parliaments themselves are evolving. If the Supreme Soviet is evolving to resemble Western parliaments, it is changing not in the direction of a static model but in the direction of one which is itself evolving.

This evolution towards similarity is, however, superficial. There still remain substantial differences between the Supreme Soviet and Western parliaments. In the Soviet system the assembly is not responsible to the electorate, it has no opposition, and the publicity of its activity is in the hands of the government. Unless these change, the Supreme Soviet's evolution will most likely be in the direction of a higher degree of participation. This aim will evidently be pursued by development of the commission system. But while the commissions may offer the deputy and the citizen an opportunity to participate, the "committee" which appears to govern in place of the Supreme Soviet will continue to be its Presidium.

NOTES

1. E. Drexel Godfrey, The Government of France (New York: 1961), pp. 55-56.
2. Maurice Duverger, The French Political System, trans. Barbara and Robert North (Chicago, 1958), p. 19.
3. Ibid., p. 23.
4. Ibid., pp. 27, 30.
5. Godfrey, p. 57.
6. Kerimov, p. 78n.
7. This has been suggested by Harper and Thompson, pp. 198-99.
8. N.P. Eroshkin, Ocherki istorii gosudarstvennykh uchrezhdenii dorevoliutsionnoi Rossii (Moscow, 1960).
9. Ibid., p. 337.
10. Ibid., p. 335.
11. S.M. Sidel'nikov, Obrazovanie i deiatel'nost' pervoi Gosudarstvennoi dumy (Moscow, 1962), p. 95.
12. Eroshkin, p. 343. Of 141 pieces of legislation introduced in the Supreme Soviet between 1938 and 1960, individual deputies "initiated" only 4 (or less than 3 per cent). In this as in some other respects the Duma did better than the Supreme Soviet.
13. Ibid., p. 353.
14. Ibid., p. 352.
15. Sidel'nikov, p. 94.
16. The following paragraph is summarized from Juviler, pp. iii-vii.
17. Ibid., p. vii.

18. Ibid., Ch. X.

19. This is not to say, however, that some elements of terror are not still present in the Soviet system.

20. Fainsod, p. 384.

21. It may be that this idyllic condition wherein the state has "withered away" will be far from present or past expectations, but that is a different matter.

2. Scott, p. 110. To Scott (ibid.), incidentally, "it seems probable that this is largely humbug," but his generalizations are not strong enough to support that contention. In any case, the intention that the Soviets serve as "schools of government" and its effectiveness are not the same thing.

23. Berman, p. 375.

24. ". . . In America and on the Continent the proceedings of the full legislature are mainly (not wholly) directed to impressing the public, while the real work is done in the commissions; and England maintains the House as still an effective place of thought, deliberation, and decision only by the most desperate effort." Finer, Theory and Practice of Modern Government, p. 483.

CHAPTER VIII

CONCLUSIONS

The Supreme Soviet is a paradoxical institution. It is supposed to be a "working" rather than a "talking" assembly. It therefore must legislate at the highest level for a large and diverse country with the least possible expenditure of time. This difficulty is resolved by a series of formal and practical measures which allow the Supreme to legislate very little and still to be called the "highest organ of state power."

Constitutionally, the Supreme Soviet wields the highest legislative power in the USSR. Constitutionally also, however, it may not legislate in those areas over which its subordinate bodies have jurisdiction. It is thus left with very few powers, but the formal device of having the subordinate organs "responsible" to it gives the Supreme Soviet the appearance of being the country's sole highest legislature. In practice its "subordinate" bodies--the Presidium and Council of Ministers--customarily dictate to, and sometimes circumvent, the Supreme Soviet.

The other device, the one by which the Supreme Soviet

maintains an appearance of making instead of debating decisions, is that it has only to "confirm" or "approve" laws. Its discussions are never meant as a method of determining whether or not to approve a bill; they register something that might be called the amount of approval. This generation of approval is in turn an aspect of that most important element of "Soviet democracy": participation. Bolshevik democracy is popular participation rather than popular decision-making. So the deputy in the Supreme Soviet participates by signifying his approval. Sometimes he does so by speaking in discussions; always he does so by joining in the unanimity of the assembly's voting. He proceeds to his constituency and explains the law to his electors. His role is not so much to make laws--although that is the impression officially conveyed --but to help put them into effect. The representative, chosen supposedly to represent his locality in the central assembly, returns to his riding as an agent of the central government.

Elections to the Supreme Soviet and the possibility of recalling a deputy give the electorate also an opportunity to "participate" without, however, deciding anything. Because of the style of ballot, the voter expresses nothing by dropping it in the ballot box except his presence at the polling station. Even the term "voting" hardly seems appropriate in

these circumstances. Supreme Soviet elections do not record the voice of the people. They simply muster the electorate to a man on one particular day. The electorate "chooses" two kinds of candidate: the official whose position carries with it honorary and automatic election to the Supreme Soviet; the ordinary toiler whose diligence is being rewarded by a term as Supreme Soviet deputy.

The practice of honorific election to the Supreme Soviet uncovers another contradiction. At the same time as they speak of "amateur deputies" taking their turn at governing, the Soviets "reelect" a considerable number of important leaders to serve term after term in the Supreme Soviet. For instance, four members of the Supreme Soviet Presidium have been serving on that body since 1946 and six others since 1954. These will hardly be classed as "amateurs" when their current term ends in 1966.

Once the Supreme Soviet is elected, the dominant role in it is played by the Party Central Committee. As its plenum this body decides which questions are to be considered by the Supreme Soviet. In the sessions of the assembly thereafter Central Committee members play the leading role: they occupy all but two places on the Presidium, comprise most of the membership of commissions and chair them all, take up nearly all the places in each chamber's presidium, and provide

leadership for the Councils of Elders, the Party Group and the "groups of deputies." In addition, their part in "discussions" is quite large in comparison with their numbers. In brief debates which include only a handful of speakers they generally deliver the majority of addresses, even though they comprise only 18 percent of all deputies.

It is fair to assume that participation in discussions is a good indication of a group's significance. On this basis it can be seen that although a good deal of attention is paid to ensuring the representation of various minority groups, their degree of participation reveals them to be not really very important elements in the Supreme Soviet. Women, for example, who comprise 27 percent of that body's membership, represented only 12 percent of speakers at the December, 1963, session. The same is the case for occupational groups. State officials are represented twice as well in discussions as in the composition of the Supreme Soviet. Deputies from industry and agriculture, on the other hand, make up half the assembly but only one-quarter of all speakers. It can be seen that in practice the genuine "amateurs" step aside to make room for those who speak with authority and experience. A study of the composition of the Supreme Soviet reveals that the elite is better represented than is Soviet society. That same elite is also far better represented in one of the more

significant means of "participation," the so-called discussions.

Not only do Central Committee members dominate the Supreme Soviet in its organization and activity, but the Central Committee itself dominates the work of that body in a comprehensive way. It considers beforehand all of the "most important questions." Superficially, this resembles the practice in party government elsewhere. The difference, however, is that the CPSU Central Committee makes at this stage what are in effect decisions to be implemented rather than policies to be considered by the Supreme Soviet. Legislation, so far as the Supreme Soviet is concerned, is a matter of approving, not of deliberating or deciding.

In the legislative as in the electoral process, the keynote is participation. To achieve this the Soviets rely on the commissions of the Supreme Soviet. On the debit side, of course, it must be noted that these commissions are few and small, they afford practically no representation to non-Party deputies, and they seldom meet more frequently than once a year. Besides, their regulations are vague and the scope of their jurisdiction, when defined, is extremely broad, with the result, for instance, that the Economic Commission has in effect displaced most of the others. Yet the commissions are an important means of publicizing draft legislation and sounding out opinions on it. Their work of bringing experts in as

consultants is the method by which those deputies who really are amateurs are enabled, in a limited sense, to legislate. The expansion of the commission system is likely to be the next step in the Supreme Soviet's evolution. This will not mean the development of the commissions or the Supreme Soviet as effective decision-making bodies. They will rather develop into vehicles of greater participation in the process of "supreme legislation."

At the heart of the various contradictions both evident and implicit in the Supreme Soviet is an ambiguous Soviet attitude to parliaments. Bourgeois parliaments are said to be instruments of reaction except where Communists play a significant part. So qualified, the assertion that bourgeois parliaments are "by nature" reactionary is rendered meaningless. And Soviet efforts to make their Supreme Soviet more apparently effective are at the same time cast in a peculiar light.

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